



Monday, 24 May 2021

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 2 June 2021 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

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

Yours faithfully

Chief Executive

To Councillors:	D Bagshaw	P J Owen
	L A Ball BEM	S Paterson
	D Grindell	D D Pringle
	M Handley	R S Robinson
	R I Jackson	D K Watts (Chair)
	G Marshall	R D Willimott
	J W McGrath (Vice-Chair)	

A G E N D A

1. APOLOGIES

To receive any apologies and any notification of substitutes.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 18)

The Committee is asked to confirm and sign the minutes of the meeting held on 21 April 2021 as a correct record.

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

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4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 Application Number 20/00056/OUT (Pages 19 - 110)

Outline application to demolish White House Farm and construct up to 250 dwellings, including the provision of new areas of open space, children's play, landscaping and storm water attenuation, with all matters reserved except for the formation of a vehicular access from the A6096 Shilo Way (Awsorth Bypass) and secondary access from Newtons Lane.

Land West of Awsorth (inside The A6096), Including Land at Whitehouse Farm, Shilo Way, Awsorth

5.2 Application Number 20/00745/FUL (Pages 111 - 152)

Construct 42 dwellings with improved access, provision of an internal access road, landscaping and associated works following the demolition of buildings

Old Station Yard, Station Road, Beeston, NG9 2AB

5.3 Application Number 21/00041/FUL (Pages 153 - 176)

Construct first floor rear extension and front and rear dormer windows

42 Sandy Lane Bramcote, Nottinghamshire, NG9 3GS

5.4 Application Number 21/00038/REG3 (Pages 177 - 200)

Construct 3 houses and 2 apartments with associated parking and dropped kerb including provision of new driveway to existing cottage and demolition of single storey extension

Fishpond Cottage, 51 Ilkeston Road, Bramcote, NG9 3JP

5.5 Application Number 21/00182/FUL (Pages 201 - 212)

Construct two storey front and rear extensions, raise the ridge height inserting a hip roof to the existing/extended dwelling including a loft conversion and rear box dormer, insert a hip roof to the existing single storey side extension and external alterations

29 Rivergreen Crescent, Bramcote, Nottinghamshire, NG9 3ET

5.6 Application Number 21/00096/OUT (Pages 213 - 226)

Outline application with all matters reserved to construct detached dwelling

Land adjacent to 24 Princess Avenue, Beeston, Nottinghamshire, NG9 2DH

6. INFORMATION ITEMS

6.1 Delegated Decisions (Pages 227 - 234)

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PLANNING COMMITTEE

WEDNESDAY, 21 APRIL 2021

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
T A Cullen
D Grindell
M Handley
R I Jackson
G Marshall
J W McGrath (Vice-Chair)
P J Owen
D D Pringle
S J Carr (Substitute)
J M Owen (Substitute)

Apologies for absence were received from Councillors R D MacRae and R D Willimott.

68 **DECLARATIONS OF INTEREST**

Councillor D K Watts declared a non-pecuniary interest in agenda item 5.8 as the objector to the application was an acquaintance. Minutes number 71.8 refers.

69 **MINUTES**

The minutes of the meetings held on 10 March 2021 and 17 March 2021 were approved as a correct record and signed.

70 **NOTIFICATION OF LOBBYING**

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

71 DEVELOPMENT CONTROL

71.1 APPLICATION NUMBER 20/00641/FUL

Construct 115 dwellings, associated infrastructure, attenuation pond and vehicular access from Cordy Lane

Land to the rear of Brinsley Recreation Ground, Church Lane, Brinsley

The application was brought before Committee as it was an Allocated Housing Site within the Part 2 Local Plan. This item was deferred from the meeting on 17 March 2021.

There was a substantial late item in the form of a statement from the developer addressing concerns from the previous meeting and the report to Committee from 17 March 2021.

Robert Galij, applicant and Peter Housley, objecting, made representation to the Committee prior to the general debate.

It was noted that the street lighting, open space and unadopted highways would be maintained by a management company in perpetuity. There followed a discussion about the contributions that residents might have to make towards the maintenance of the development. The need for housing was discussed, in particular, the provision of housing in places where people wanted to live.

RESOLVED that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:

- (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 and sustainable transport measures and Primary Health Care and**
- (ii) the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

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.

- 2. The development hereby permitted shall be carried out in accordance with drawings numbered:**

Location Plan - H8060-02 Rev B

Planning Layout - H8060/P101e Rev F

Off Site Junction Arrangement ADC2052-DR-002 Revision P3

Site Access General Arrangement - ADC2052-DR-001 Rev P6

Vehicular Tracking - ENG-101-VT

Drainage Strategy - H8060-102B Rev B

General Arrangement – Drainage - H8060-102B Rev B

Soft Landscape Proposals (1 of 3) GL1359 01E
Soft Landscape Proposals (2 of 3) GL1359 02E
Soft Landscape Proposals (3 of 3) GL1359 03E
1.8m Timber Hit & Miss Fence – 2010/DET/228
0.9m Estate Railings - 2010/DET/226
1.8m Close Boarded Fence - 2010/DET/207
Boundary Wall – Type 3 - NM-SD13-013
Boundary Wall – Type 1 - DB-SD13-004 Rev C

Street Scenes - H8060_05_01 Rev B
Materials Layout - H8060/06 Rev B
Cross Sections - H8060_05_02 Rev A
6 x 3m Double Garage - LDG2H8
6 x 3m Single Garage - LSG1H8
Standard Double Garage SDG1H8 Rev A
Standard Double (2 x single) Garage - SDG2H8 Rev A
Standard Single Garage SSG1H8 Rev A

Holden Weatherboard: house type code H4693WH7
Wilford (Gable End Terrace): P204-EG7: Rev A
Wilford (Hipped End Terrace): P204-EH7: Rev E
Wilford (Mid Terrace) : P204-I-7: Rev B
Hadley (Detached) : P341-D7: Rev B_C
Hadley (End Terrace) : P341 –E-7: Rev B_C
Henley: H588--7: Rev B_D
Holden: H469--H7: Rev D
Meriden: H429--H7: Rev C
Winstone: H421--H7: Rev D
Ingleby: H403-F7: Rev A
Abbeydale: H349-H7: Rev C
Avondale: H456-X7 Rev 3W09:
Archford (Hipped End Terrace) P382-EH7: Rev C
Archford (Mid Terrace): P382-I-7: Rev D
Archford (End Gable Terrace): P382-EG7: Rev A
Greenwood (Gable End Terrace) T322-E-7: Rev A_B
Type 74 (End Terrace): SH74-E-7
Type 58 / Type 59 (Hipped End Terrace): SF58-E-7/SF59-EH7
Type 50 (Hipped End Terrace): SH50-EH7
Type 50 (Mid Terrace): SH50-I-7: Rev C
Type 52 (Hipped End Terrace): SH52-EH7
Type 67 (Hipped End Terrace) SH67-EH7
Type 67 (mid Terrace): SH67-I-7
Type 69 (Hipped End Terrace): SH69-EH7
Type 69 (Mid Terrace): SH69 –I-7

Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.

3. 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:

- 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.
- 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.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- 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.
- 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.

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.

4. 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 be retained in place until all construction in the area around the protected vegetation has been completed.

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).

5. 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:
 - a) pipes over 200mm in diameter capped off at night to prevent animals entering
 - b) netting and cutting tools not to be left in the works area where they might entangle or injure animals

- c) No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal
- d) construction lighting proposals
- e) materials, plant and machinery storage locations
- f) dust management plan
- g) proposed working practices to minimise harm to wildlife and trees

The development shall be constructed in accordance with the agreed CEMP.

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.

6. 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:
 - (i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and
 - (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.

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).

7. No development shall commence until details of all necessary piling or other penetrative foundation design, specifically in the area of former open case mining within the south of the site and as identified in the Geomatters Highwall Investigation Report dated 24.11.20 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.

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).

8. 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of highway safety.

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 and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

10. 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.

Reason: In the interest of highway safety.

11. 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.

Reason: To mitigate the impact of development traffic on the network, in the interest of highway safety.

12. 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.

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.

13. 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.

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).

14. 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 and has been submitted to 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.

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.

15. 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.

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.

16. 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.

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).

17. 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.

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.

18. 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 consent has been obtained from the Local Planning Authority for a variation.

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).

19. 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.

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).

20. 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.

Reason: To ensure the site is suitably landscaped and this is maintained for the life of the development.

21. No dwelling shall be occupied until its own boundary treatment has been erected in accordance with the approved details.

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).

22. 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.

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).

- 23. 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.**

Reason: In the interest of highway safety.

- 24. 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.**

Reason: To prevent the obstruction of the public highway.

- 25. 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.**

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).

- 26. 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.**

Reason: 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).

- 27. 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.**

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).

- 28. No development shall commence until a written scheme of investigation including a watching brief covering site excavations and soil stripping operations has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. If unexpected ground conditions are discovered**

during development resulting in former coal mining operations being exposed work shall cease immediately. A further ground investigation report shall be submitted to and approved in writing by the Local Planning Authority highlighting the extent and nature of the previously undiscovered ground conditions including a suitable method statement enabling works to recommence on site. Any recommencement of work on site shall proceed only in accordance with these approved details.

Reason: To ensure development proceeds in a safe manner reflecting ground conditions and former coal mining operations and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 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.

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.** 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.

- 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.
- 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 essential 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: hdc.south@nottsc.gov.uk
6. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottsc.gov.uk
7. 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.
8. 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.
9. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are

required. For larger sites, a detailed site plan of the whole development will also be required.

71.2 APPLICATION NUMBER 20/00714/FUL

Construct link extension and change use from residential (Class C3) to residential care home (Class C2)

259 High Road Chilwell NG9 5DD

This application had been brought before Committee by Councillor T A Cullen. It was deferred at the meeting of 10 March 2021 and 17 March 2021 to allow the applicant to elaborate on how many residents there would be in the home once the extension was granted and what impact this might have on parking.

There were no late items.

Ros Heath, applicant, made representation to the Committee prior to the general debate.

The Committee noted it's thanks to the applicant for making changes to the application (the provision of four additional parking spaces) to benefit local residents and stating a commitment to work with neighbours to ameliorate problems with traffic and parked cars.

RESOLVED that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

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.

- 2. The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 16.11.20, the proposed block plan and drawings numbered 20/988/03 and 20/988/04 received by the Local Planning Authority on 10.10.20, and parking layout drawing number 20/988/06 rev B received by the Local Planning Authority on 24.03.21.**

Reason: For the avoidance of doubt.

- 3. No above ground works shall be carried out until details of the manufacturer, type and colour of the door, bricks and coping stones to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**

Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).

4. The development hereby approved shall not be occupied until the parking spaces shown on drawing number 20/988/06 rev B have been made available for use.

Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

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. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no burning of waste on site at any time.

71.3 APPLICATION NUMBER 20/00667/FUL

**Construct pair of semi-detached dwellings following demolition of existing bungalow
28 Park Road Chilwell NG9 4DA**

This application had been brought before the Committee for determination by Councillor G Marshall. The item was deferred at the meeting of 10 March 2021 to allow Councillors to make a site visit.

There were no late items.

Simon Jude, applicant, and Andrew Burrows, objecting, made representation to the Committee prior to the general debate.

During the debate consideration was given to the size of the plot, the arrangements for parking and the loss of amenity for neighbours. It was stated that the proposed development was too close to the neighbouring bungalow, that the scheme was too big and that although the bungalow that was to be demolished had an annexe that was a separate dwelling, the replacement of these two dwellings with a pair of semi-detached houses was not like for like. It was noted that the top window in the South East elevation of the proposed development was to be glazed with opaque glass. It was also noted that Park Road was very narrow.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

Reasons

The proposed semi-detached dwellings, by virtue of their size, scale and position within the site, would represent an over-intensive development of the site, resulting in an unacceptable impact on neighbour amenity and a detriment to the established character of the street, contrary to the aims of Policy 10 of the

71.4 APPLICATION NUMBER 20/00745/FUL

Construct 42 dwellings with improved access, provision of an internal access road, landscaping and associated works following the demolition of buildings
Old Station Yard, Station Road, Beeston, NG9 2AB

The application was brought to the Committee at the request of Councillor P Lally, and because it was a major application.

The late items were comprised of a letter from Network Rail and a letter from East Midlands Homes who would manage the site if built.

Emily Christie, applicant, Adrian Hirst, objecting and Councillor Trish Roberts–Thomson, Ward Member, made representation to the Committee prior to the general debate.

It was noted that the proposed development was for affordable housing on an allocated site, but there was concern that more than half of the homes would not meet minimum space standards. It was considered that, as the local plan had allocated the site for 40 houses, the proposed development was too dense. There was also concern about the inclusion of private roads and that the proposed application would impact negatively on access to and future improvements to Beeston Station.

The Committee voiced support for modular methods of construction and the consideration that had been given to sustainability and energy efficiency.

It was proposed by Councillor L A Ball BEM and seconded by Councillor J W McGrath that the item be deferred so that further consideration could be given to space standards, the management of private roads and the provision of a turning circle for Beeston Station. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

71.5 APPLICATION NUMBER 20/00855/FUL

Loft conversion including rear dormer
4 The Old School House, Gilt Hill, Kimberley, Nottingham, NG16 2GZ

The application had been called to Committee by Councillor R S Robinson.

There were no late items.

Simon Dexter, applicant, and Councillor R S Robinson, Ward Member, made representation to the Committee prior to the general debate.

The Committee noted that when the school was converted, a condition had been added to remove permitted development rights in order that the appearance of the building was maintained. There was concern that should the application be passed,

this would set a precedent for neighbouring properties and have a negative impact on the integrity of the design of the building.

RESOLVED that planning permission be refused for the following reason:

The proposed dormer, by virtue of its substantial size, would dominate the existing roof resulting in a form of development that is harmful to the character of the host dwelling. Furthermore, due to the nature of the existing roof with the neighbouring dormers, the proposal would result in a cramped form of development that is out of keeping with the character of the surrounding area. The proposal is therefore contrary to the Broxtowe Part 2 Local Plan (2019) Policy 17.

NOTE TO APPLICANT

The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

71.6 APPLICATION NUMBER 19/00605/FUL

**Construct 4 dwellings and associated works following demolition of existing dwelling
42 Derby Road Beeston NG9 2TG**

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

There were no late items.

Peter Johal, applicant, Neil Stentiford, objector and Councillor B C Carr, Ward Member, made representation to the Committee prior to the general debate.

During the debate the arguments for the development were that it represented a good use of land by replacing one home with four and that the buildings were modern and attractive. The arguments made against the development were that it represented over intensive use of land, that it was out of keeping the character of the area and that it could set a precedent on Derby Road that would see other large frontages being built on. It was also considered that there would be a negative impact on the amenity of the Abel Collins Homes occupants.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

Reasons

The proposed detached dwellings, by virtue of their scale, design and position within the site, would fail to integrate into their surroundings, and would fail to create a place with a locally inspired character, contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

71.7 APPLICATION NUMBER 20/00791/FUL

Construct two storey side extension, front porch, canopy and external alterations
39 Eastwood Road, Kimberley, Nottinghamshire, NG16 2HX

Councillor S Easom had requested that the application be determined by the Planning Committee.

There were no late items for this application.

Maggie Ellis, applicant and Councillor S Easom, Ward Member, made representation to the Committee prior to the general debate.

The Committee noted that the neighbouring house had been extended to the boundary, meaning that this application to do the same, would result in a terracing effect. It was considered that as next door had an extension, unfair not to allow the proposal and it was more in keeping than neighbouring extension.

RESOLVED that the planning application be granted, with the precise wording and conditions to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.

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.

2. The development hereby permitted shall be carried out in accordance with the Location Plan and the Proposed Floor Plans and Elevations with drawing number GD/ME/2020/051/01, both received by the Local Planning Authority on 12 November 2020.

Reason: For the avoidance of doubt.

3. No part of the development hereby approved shall be commenced until details of appropriate gas prevention measures have been submitted to and approved in writing by the local planning authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:

- i) all appropriate measures have been completed in accordance with details approved in writing by the local planning authority; and
- ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full.

Reason: In the Interest of public health and safety.

71.8 APPLICATION NUMBER 21/00041/FUL

Construct first floor rear extension and front and rear dormer windows
42 Sandy Lane, Bramcote, Nottinghamshire, NG9 3GS

Councillor D K Watts had requested this application be determined by Planning Committee.

It was noted that a site visit had not taken place as planned, as although members of the Committee were able to see the proposed development at 42 Sandy Lane, they had not been able to look at the impact from the neighbouring gardens. It was proposed by Councillor D K Watts and seconded by Councillor J W McGrath that the item be deferred to allow for a site visit to the neighbouring property to take place. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

71.9 APPLICATION NUMBER 21/00005/FUL

Construct dwelling with vehicle access and car parking, re-siting of gates and dropped kerbs

42 Greenhills Road, Eastwood, Nottinghamshire, NG16 3DG

This application had been called to Planning Committee by Councillor J P T Parker.

There were no late items.

Graham Furgood, applicant, made representation to the Committee prior to the general debate. Councillor M Handley read out a statement on behalf of Councillor J P T Parker, Ward Member.

There was a debate as to whether the proposed development would be dangerous and represent over intensification, as it was on a corner plot. It was noted that the site would be cramped for a house and that it could restrict visibility for traffic.

RESOLVED that planning permission be refused for the following reason.

The proposed dwelling would be sited in close proximity to the highway at Moorfields Avenue, resulting in the loss of an open corner which is a key characteristic of the surrounding area. The proposal therefore represents an over-intensive and cramped form of development that would be harmful to the street scene and out of keeping with the character of the surrounding area. Furthermore, the size of the gardens at the proposed dwelling and the neighbouring property, no. 42, as a result of the proposed development would be relatively small, which would be out of keeping with the pattern of development in the surrounding area. The proposal is therefore contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019).

NOTES TO APPLICANT

The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

72 INFORMATION ITEMS

72.1 Appeal Decisions

The appeal decisions were noted.

72.2 Delegated Decisions

The delegated decisions were noted.

Report of the Chief Executive

APPLICATION NUMBER:	20/00056/OUT
LOCATION:	Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth
PROPOSAL:	Outline application to demolish White House Farm and construct up to 250 dwellings, including the provision of new areas of open space, children's play, landscaping and storm water attenuation, with all matters reserved except for the formation of a vehicular access from the A6096 Shilo Way (Awsworth Bypass) and secondary access from Newtons Lane.

The application is brought to Committee as the Section 106 (S106) contributions are not policy compliant.

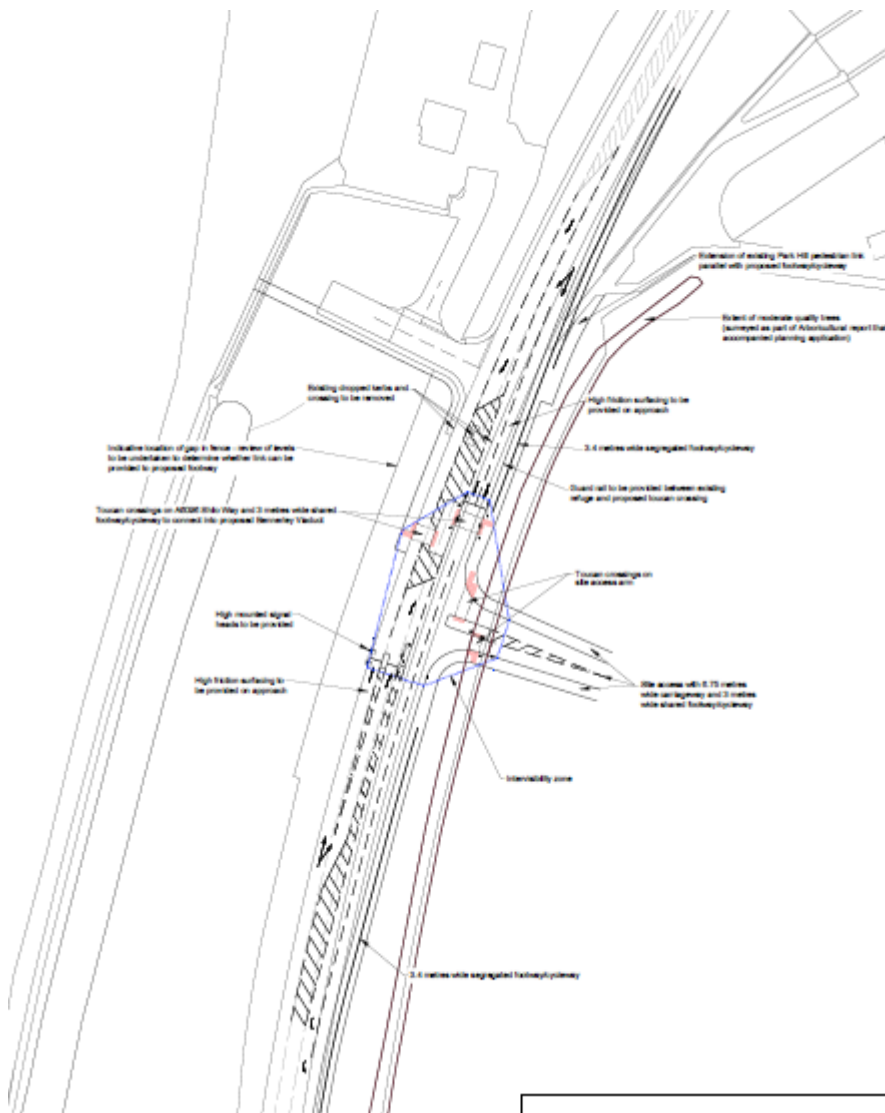
- 1.1 The application was first brought before Planning Committee 17 March 2021 with a recommendation for approval (original committee report attached as appendix 2). Members resolved to defer making a decision on the application in order that a site visit could be made.
- 1.2 This major application seeks outline planning permission for up to 250 dwellings and associated infrastructure with all matters reserved for consideration at a later date, save for access. The application site has been allocated in the Part 2 Local Plan which was adopted in October 2019 for residential development of up to 250 dwellings and the proposal is therefore broadly consistent with this policy.
- 1.3 The illustrative masterplan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children's play area are also shown together with the retention of 'The View' and several hedgerows. This is an indicative plan only however and the only matter for consideration as part of the application is the principle of the development and the two vehicular accesses shown.
- 1.4 The main considerations with the application are the principle of this type of development, including the viability of the scheme and the proposed access points into the site.
- 1.5 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 for residential development of up to 250 dwellings. It is therefore considered the merits of developing the site for residential purposes has been tested through the relevant hearing sessions held by the planning inspector.

- 1.6 A viability report has been submitted and independently assessed which demonstrates that the site is not viable with the full quantum of Section 106 requirements and therefore it is considered appropriate to accept reduced contributions in accordance with this report.
- 1.7 The Section 106 will also be worded to ensure that trigger points are reflective of the proposed phasing of the site to ensure the future developers do not just sit on the land and not pay the required Section 106 contributions.
- 1.8 The two points of access are considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works it is not considered that there would be severe implications for the road network. There are no objections from the Highway Authority to the works subject to contributions towards off-site junction improvements which will improve the current situation.
- 1.9 The Committee is asked to resolve that the outline planning permission be approved subject to the conditions outlined in the appendix and a S106 Agreement being completed.

APPENDIX 1

1 Details of the Application

- 1.1 This is a major outline planning application, with all matters reserved except for access (which would be taken from two points), for up to 250 dwellings, associated infrastructure, flood attenuation works and open space. This would equate to a density of approximately 24.7 dwellings per hectare (DPH).
- 1.2 Access to the development is proposed from two points around the sites perimeter. The primary access is to be taken from the A6096 towards the northern end of the site and would consist of a traffic signal controlled T-junction which would include high friction surfacing along the A6096 on the approach to the junction, toucan crossings across the access and the A6096 and shared pedestrian/cycleways. A secondary access would be provided towards the south of the site from Newtons Lane and would take the form of a priority-controlled T-Junction.



Plan showing primary access to the A6096

- 1.3 The following supporting documents were submitted with the application:
- Design and access statement
 - Illustrative Masterplan
 - Arboricultural Assessment
 - Noise assessment
 - Flood risk assessment and drainage strategy
 - Transport assessment
 - Travel plan
 - Phase 1 habitat survey and species related additional surveys
 - Historic Environment Assessment
 - Phase I Geotechnical Desk Study
 - Coal Mining Risk Assessment
 - Landscape and Visual Impact Assessment
 - Consultation statement
 - Planning statement.
- 1.4 During the course of the application, a Health Impact Assessment, Building for Life 12 Assessment, Phase II Geotechnical Assessment, Viability Assessment and amended plans relating to 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 250 dwellings in the Part 2 Local Plan (2019).
- 2.2 The site lies to the west of the main built up area of Awsworth and infills the gap between the residential properties on Park Hill, Barlow Drive North, The Glebe and Newtons Lane and the Awsworth bypass (A6096). The site is largely within the Parish of Awsworth, with approximately 1.5 hectares of the south and south eastern part of the site falling within Cossall Parish. The Bypass is separated from the application site by a strip of woodland planting, which partially screens the site from the west. The eastern boundary of the site is largely made up of various residential boundary treatments of 2m or less in height. The southern boundary of the site is made up of hedgerow and trees.
- 2.3 The site extends to a little over 10 hectares in area and includes 5 field parcels which are divided by hedgerows and other vegetation. A dwelling and several outbuildings (White House Farm) are located towards the south east of the site. A second dwelling lies in the middle of the site (The View) but this is not included in the application site and is not in the applicant's ownership. The site has been historically used as both a clay pit and for open cast mining with these uses finishing in the early 1980's. Since then it has been in agricultural use and is classified as Grade 4 'Poor' agricultural land (Natural England Agricultural Land Classification Map).
- 2.4 The site is in Flood Zone 1. A ditch runs adjacent the site boundary along Newtons Lane. The topography of the site slopes upwards in an easterly direction, with a level difference of approximately 18 metres from the southern section of the

western boundary (adjacent the A6096) to the northern part of the eastern boundary.

- 2.5 The Grade II* Listed Bennerley Viaduct is located approximately 175m to the west and some limited views of this are gained from within the site through the screen of trees. Cossall Conservation Area is located 1.1km to the south-east of the site and the Listed Awsworth Infant School, walls, railings and playground and the village War Memorial lie to the north east and east.
- 2.6 Shilo Recreation Ground is located approximately 70m to the north of the site and there are various other 'Green Infrastructure' assets identified in the Council's 'Green Infrastructure Strategy' within the vicinity of the site including the disused Northern Railway line to the north, and Nottingham Canal to the west.
- 2.7 Ilkeston Railway Station is located 900 metres to the south and there are bus stops are Awsworth Lane/The Lane which access the number 27 service to Ilkeston, the station and Kimberley.

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 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- 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 £227,102 to provide additional healthcare services and meet the increased demand attributed to the proposal.
- 5.2 **Severn Trent Water** – comments regarding formal approvals required from them for foul and surface water connections. Notes that a sewer modelling study may be required to assess the capacity in the catchment and suggests an informative relating to a public sewer located within the site.
- 5.3 **Sustrans and Railway Paths** - request a contribution of £889,786 towards the Bennerley Viaduct Project. £289,786 for the existing project which includes repair and restoration works, construction of a western access ramp and decked surface and £600,000 for the construction of an eastern ramp which would enable multi-users to access the whole viaduct and link into paths beyond.
- 5.4 **Nottingham West CCG** – request a contribution of £135,468.75 to enhance capacity and infrastructure at Giltbrook and Cotmanhay surgery's.
- 5.5 **Nottinghamshire Wildlife Trust (NWT)** – satisfied with the reports and recommends that the advice contained within these is secured by means of conditions to achieve a Construction Environmental Management Plan and Biodiversity Enhancement Plan.

- 5.6 **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.
- 5.7 **The Coal Authority** – (20.2.20) Recommends that an in-depth assessment of the coal mining risks associated with the site is carried out to enable the applicant to demonstrate to the LPA that the site is safe, stable and suitable for development. They therefore suggest conditions relating to these investigations and the implementation of mitigation measures.
(4.5.20) raises no objections subject to imposition of conditions which they have slightly amended to reflect additional information provided.
- 5.8 **Cadent Gas** – there are apparatus within the vicinity of the site which may be affected by the proposals. The developer should contact Cadent before any works are carried out.
- 5.9 **Nottinghamshire Police (Designing Out Crime Officer)** – There are occurrences of anti-social behaviour and nuisance motorcyclists within the area, would welcome the opportunity to discuss possible traffic calming and the design of cycle and pedestrian paths through the site. Would welcome the opportunity to discuss safety and security features, for example cycle storage. Notes the use of natural screening through hedgerows but makes suggestions as to possible maximum heights to increase natural surveillance.
- 5.10 **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 secondary education (£955,000 – 40 places x £23,875) within Eastwood and Kimberley schools (sufficient capacity to accommodate primary places) £200,000 for bus services, £52,000 for bus stop improvements and installations and £12,500 for bus taster tickets.
- 5.11 **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.
- 5.12 **County Council Highways (including Rights of Way Officer)** – **Rights of Way** team have no objections to the proposals. They would encourage paths that link into the existing network and would require information regarding adoption, maintenance, surfacing and how unauthorised users will be stopped to be submitted.
Highways (12.3.20) Willing to relax position of no access' onto A or B roads where speed limit is in excess of 40 mph due to it serving a large number of units from a single access. Notes that secondary access from Newtons Lane is sufficient to accommodate a public transport route through the site. Requests a public transport access strategy at reserved matters stage to deal with this. Comments that internal and external access links will need to be well connected to minimise distances to facilities and that pedestrian footpath works at Newtons Lane will help integrate trips to Ilkeston Train Station. All private shared drives should serve no more than 5 dwellings and all shared drives should be designed to adoptable standards. Where located off the main spine road they will need to have turning facilities.

Comments on parking provision for the site and garage dimensions. Satisfied with modelling of junction but raises a number of issues that need addressing including double height signals on road approaches, location of friction surfacing, reverse stagger on Toucan Crossing, details relating to the southbound merge and installation of refuge between northbound ahead lane and right turn. Comments that a Road Safety Audit also identified additional items to be addressed in respect of visibility and other matters particularly at the footpath between Shilo Way and Park Hill. Notes that the Transport Assessment recognises capacity issues and that the Highways Authority has commissioned a comprehensive improvement scheme to mitigate this. Requests a financial contribution of £258,000 towards this given the proposals impact. Makes minor points in relation to the Travel Plan.

Highways (15.6.20) Concerns raised regarding the alignment of the footway on the east side of Shilo Way, the potential loss of trees and pedestrian visibility in this area due to the splays cutting across the embankment and any implications for these works on the existing footpath from Park Hill. Asks for further details to demonstrate how the pedestrian visibility splay will be provided, the impact the proposal will have along the footpath/embankment, and what effect will this have on the aforementioned trees. Raises concern for visibility of drivers existing the side road at Naptha Boarding Kennels with the splays crossing the nearside splitter island at the signals, and because of the curvature of the road results in drivers only being able to see the left hand side of approaching vehicles. Comments that the carriageway will need to be widened so that the island no longer restricts the view of oncoming traffic. Raises similar visibility concerns for drivers entering the side road from the A6096 and requests further details to show how this situation will be resolved. Requests remain for a contribution of £258,000 for off-site mitigation works to improve the Giltbrook interchange.

Highways (8.10.20) No objections subject to S.106 contributions of £258,000 towards future infrastructure improvements at Giltbrook Interchange to mitigate the impact of development traffic on the network and conditions relating to replanting of highways trees, details of roads, hard-surfacing, construction method statement and pedestrian connections

- 5.13 **Council's Conservation Advisor** – The site is within 1km of 4 Listed Buildings, but notes that there will be no direct harm to any of these, nor will it affect the setting or character of 3 of these. There is some potential impact on the setting of the Grade II* Bennerley Viaduct, however it is not considered that this would be significant. Links from the site to the viaduct and beyond will be an important part of its interpretation, enjoyment and maintenance. Notes that the existing land use makes it difficult to interpret previous uses or the route of the railway but that there may be potential to make some indication of former activity.
- 5.14 **Council's Environmental Health Officer** – No objections subject to conditions relating to contaminated land, noise and construction noise and disturbance.
- 5.15 **Council's Waste and Recycling Officer** – No objections raised. Makes comments about the number and size of bins and location of collections points in relation to adoptable roads.
- 5.16 **Council's Parks and Green Spaces Manager** – no objections to the principle of the scheme. As shown on the indicative plan would like to see the play area in a central location away from the road. It would need to be a Local Equipped Area for

Play (LEAP) for ages 2-14 with fencing, surfacing and self-closing gates. Comments regarding the open space adjacent the main roads, the tree lined avenues and the need to ensure the footpath links are appropriate as they provide access to Green Infrastructure Corridors and the Erewash Valley Trail. If the site is to be transferred to the Council he requires a full maintenance commuted sum of £159, 680 (£638.72 x 250).

5.17 **Council's Housing Services and Strategy Manager** - very high demand for housing in the Awsworth area. Greatest demand is for 2 bedroom, then 3 bedroom housing with the highest need being for 1 bedroom housing. We currently have very little accommodation in this wider area and very low turnover. Requests that the mix includes 10 x 1 bed units, 35 x 2 bed (with own front door) and 30 x 3 bed houses.

5.18 **Cossall Neighbourhood Plan Steering Group** – object to the proposals for a number of reasons which can be summarised as follows:

- Concern at increase and impact of traffic. Secondary access should only be for pedestrians and cyclists not vehicles and would support this. Newtons Lane has reached its capacity for vehicle traffic
- Concern for safety of cyclists, pedestrian and horse riders using Newtons Lane
- Increase in traffic will result in increase of air pollution
- Difficult and unsafe to exit Newtons Lane at times due to parked vehicles restricting visibility, number of users at this junction with The Lane and the proximity of the school and associated parking.
- Traffic will increase on all major roads through Cossall and Awsworth.
- 2 reports (OPUN Design East Midlands report 2016 and ADC Infrastructure Limited 2019) consider access through existing residential areas to be undesirable as they already serve large residential developments and further intensification would increase safety and capacity concerns.
- Lack of consultation with residents by the Council
- What measures are in place to ensure the majority of vehicles use the Shilo Way entrance/exit?

5.19 **Awsworth Parish Council and Awsworth Neighbourhood Plan Steering Group** – make a number of comments which can be summarised as follows:

- Acknowledge public consultation events but had hoped for closer engagement as the scheme was worked through. Hopeful that this might be possible at the detailed design stage.
- Council should have full regard to the Neighbourhood Plan due to it being well-advanced. Key requirements should be established even at outline stage.
- Supports the provision of homes on the site and a masterplan approach to ensure that a high quality well connected new development is achieved.
- There should be a mix of house types and sizes, all homes should meet Building for Life 12, should not impact on neighbouring amenity and should be no more than 2/3 storeys in height (using the roof space)
- Welcome opportunities to link the site to Bennerley Viaduct and contributions to support this should be sought.
- There should be no access from Park Hill or Barlow Drive North

- There should be traffic calming measures within the site to deter rat running and along the A6096, Newtons Lane and other local roads affected.
- The proposal should incorporate adequate measures to mitigate adverse effects caused by additional traffic through Awsworth and along the A6096
- Traffic implications appear to be significantly underestimated and exiting flows should be monitored again and once the development is completed.
- Construction traffic should be via the A6096 only.
- Supports the retention of existing tree belts and hedgerow boundaries where possible and creation of biodiversity habitats.
- Supports the areas of open space and children's play areas.
- Supports the areas laid out in the Planning Statement which would need contributions towards improvement or provision but is concerned that no specifics are mentioned. Contributions are required for sustainable transport, health facilities, libraries, education, walking and cycling facilities, improving connectivity to Bennerley Viaduct and the resurfacing of the village hall car parks as these provide safe parking for the school.
- Do not consider that the site is conveniently located in respect of local facilities or public transport and would support a scheme which contributes to and allows for a local bus route through the site.

5.20 136 properties either adjoining or opposite the site and addresses along Newtons Lane were consulted and 5 site notices were displayed. 63 responses were received and one petition containing 140 signatures. Of these responses 47 objected or raised concerns, 9 made observations, 6 commented but didn't state whether they objected to the development, 1 was in support of the proposals and the petition objected to the development. All comments received can be summarised as follows:

Traffic/Access/Transport

- Should be greater number of access points to A6096 not Newtons Lane.
- Newtons Lane should be a pedestrian, cycle and bus route only from/to the development.
- Should be traffic calming measures on all surrounding local roads.
- New access from A6096 should be controlled by traffic lights not Toucan Crossing.
- Increased traffic and congestion on roads which are already heavily congested.
- Creation of a rat run
- Should not open up access onto the bypass from Newtons Lane
- Traffic/congestion will increase through the village to its detriment and increase pollution by car fumes close to schools.
- Should be no access from Barlow Drive North.
- Should be an access from Barlow Drive North or Park Hill, for emergency vehicles at least
- Access points and crossing arrangement onto and over the A6096 are not safe and do not show how they will link in with the wider network
- Supports plans for footpaths and cycle routes.
- Transport Assessment states access from Newtons Lane or Park Hill should not be encouraged as they already serve large developments and would create capacity and safety concerns.

- Access onto A6096 better controlled by a roundabout due to speed of and amount of vehicles.
- Concerns over access and response time for emergency vehicles.
- On-street parking on Newtons Lane would restrict the two-way flow of traffic.
- Limited street lighting on Newtons Lane would raise safety concerns between users (cars, pedestrians, cyclists, horse riders)
- Bollards should be placed after the existing last property on Newtons Lane. Access from the A6096 should then be opened up at this point rather than directly people through Awsworth.
- Traffic already difficult, will be untenable.
- Traffic co-ordinator an ineffective solution to a heavy increase in traffic.
- Access from Newtons Lane onto The Lane already dangerous due to parked vehicles and reduced visibility. Directing more vehicles this way will exacerbate issue resulting in increased accidents, concerned for crossing pedestrians particularly school children
- Minimal public transport in the area
- Transport Assessment doesn't consider increase of traffic on Newtons Lane
- Site traffic should be from A6096 only
- Transport Assessment doesn't take other planned development into account

Ecology/Flood risk/Pollution

- Hedgerows should be retained they are full of wildlife
- Toads, newts and other wildlife would be lost, there had to be toad tunnels through A6096 when that was built this will affect them further
- Marshland and was recently flooded
- Contamination from the sewerage plant
- Increased noise, smell disturbance and dust
- Increases in waste disposal, littering and fly tipping

Internal layout/Amenity/House types

- Insufficient detail regarding car parking.
- Lack of detail about design and appearance of properties
- Loss of privacy, daylight and sense of enclosure
- Should be single storey dwellings only
- Play area would become an anti-social hotspot
- Aging population should be reflected in house types – bungalows and flats
- Should have EVC points at each property
- Different land levels across the site and between the site and existing properties
- Will impact on security
- Proposed dwellings too close to existing
- Should include a community centre rather than affordable housing
- Affordable housing needs to be for 1st time buyers or for those who can't afford to buy

Principle concerns

- Site was Green Belt, questions why it has been removed.
- Disruption to existing services
- Better sites for housing in Awsworth
- Housing should be located closer to city and industry

- Empty shops/houses should be utilised before building more
- Housing too dense/development too large
- Loss of view/openness

Other

- Existing residents on Newtons Lane and Barlow Drive North should be compensated
- Devalue existing properties
- Health related problems due to congestion (asthma)
- More crime and police already too stretched to deal with this
- No economic benefits for the existing residents
- Need improvements/additional capacity at local schools
- Concerns of 'type' of residents that will buy properties
- So few employment opportunities in the area, everyone will commute
- Subsidence
- Damage to local roads
- Lack of facilities in Awsworth
- White House Farm is a Heritage Asset
- Information not easily accessible.

5.21 Re-consultations were undertaken on the amended highways information and viability position and an additional seven responses were received. Six of these objected and one raised observations. None of the responses received raised any additional points to those summarised at point 5.20.

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, land stability, pollution including air quality 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 4.1 of the P2LP identifies the site and a key requirement of this policy is the provision of 250 homes. The application seeks outline planning permission for up to 250 dwellings, with all matters reserved at this stage except for access.



Extract taken from P2LP, Policy 4.1 and illustrative masterplan submitted with application

6.2.3 The principle of the development is therefore considered to be acceptable subject to consideration of the matters below given that it has been assessed as acceptable for housing through the adoption of the Part 2 Local Plan and will be vital in providing the required number of homes to meet the Council's 5-year housing land supply.

6.3 Flood risk

6.3.1 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. As such the site is not considered to be at risk of flooding from fluvial sources. 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 According to the FRA, there are some isolated areas at low risk of surface water flooding centrally and within the south of the site which are believed to be due to its topography. Within the north of the site there is a localised area along the north western boundary which is at high risk of surface water flooding and the authors of the FRA note that this is evidently due to topography, where overland flows drain to this flat area. Whilst the Environment Agency have no record of ground water

flooding the Greater Nottingham SFRA GIS mapping system shows the area as being greater than 25% but less than 50% at risk from ground water flooding. However, initial site investigations found no shallow ground water with further investigations finding it in isolated locations which were considered to be perched.

- 6.3.3 As the site is greenfield, drainage of the site will have to mimic the greenfield run-off rates. The surface water drainage system will be designed to accommodate a 1 in 30-year rainfall event and a 1 in 100 year plus climate change storm event (40%) on site. Infiltration testing has demonstrated that the feasibility of this is isolated and should not be used as a primary means of disposal. A ditch which borders the site is outside the red line and direct connection is therefore not an option. Connections to the existing surface water drainage sewers are therefore proposed with appropriate attenuation so that post development flooding does not occur within the site and risk is reduced to adjacent properties. Online balancing ponds are proposed with by-pass sewers to ensure the surface water system (excluding the ponds) are adoptable by Severn Trent Water. There is a separate application process for this which the applicants will need to go through with Severn Trent Water. The exact volume of attenuation required will need to be assessed once the final layout is submitted for consideration to ensure all the impermeable areas which need to be drained have been calculated. To deal with overland flows from Park Hill during extreme rainfall events a cut off drain to the northern boundary routed to the western boundary is recommended. Other cut off drains may be required at the detailed design stage.
- 6.3.4 SUDs have been considered as part of the overall drainage strategy for the site and these should be designed so as to ensure that the water quality is clean so as to prevent the spread of pollutants. Further consideration of the exact combination and design of measures required will be considered as part of the reserved matters application for the site.
- 6.3.5 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.

6.4 Highways

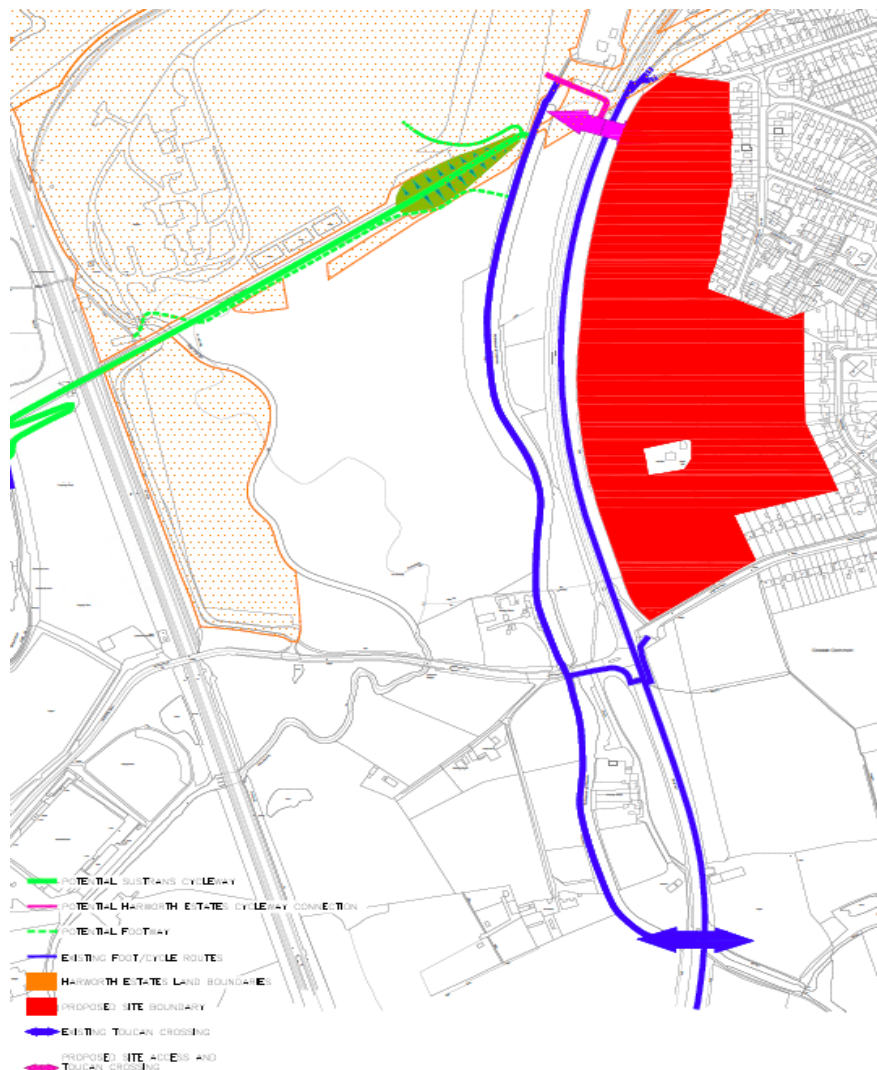
- 6.4.1 A Transport Assessment (TA) has been submitted with the application. This considers the likely impact on the operational performance of the adjacent highway network and transportation infrastructure and assesses the adequacy of existing transportation facilities in meeting the needs of the proposed development, including public transport, pedestrian, cycle and vehicular access.
- 6.4.2 The report identifies a number of key services within 500m (desirable walking distance) and when increased to the maximum walking distance identified of 2km these services and facilities are expanded to reach education, health, employment and retail facilities together with Ilkeston train station which forms part of the northern line with an hourly service to Leeds via Sheffield Monday-Saturday. A bus stop for the number 27 bus is 770m from the centre of the site on Awsworth Lane and runs half hourly between approximately 6am and 7pm Monday-Saturday.

6.4.3 There are also a number of cycle routes within the vicinity of the site which provide access to Ilkeston and Aysworth centres and Giltbrook retail park.

6.4.4 The report identifies the additional trips by pedestrians, cyclists and public transport users which will arise from the development and notes with the existing infrastructure and that proposed namely:

- the shared footway/cycleways at the site access;
- the segregated access along the A6096;
- the new toucan crossing across the A6096; and
- internal pedestrian connections to Park Hill and Barlow Drive North.

There would be available capacity to accommodate the additional trips. The provision of the additional infrastructure, together with its design could be secured by way of condition.

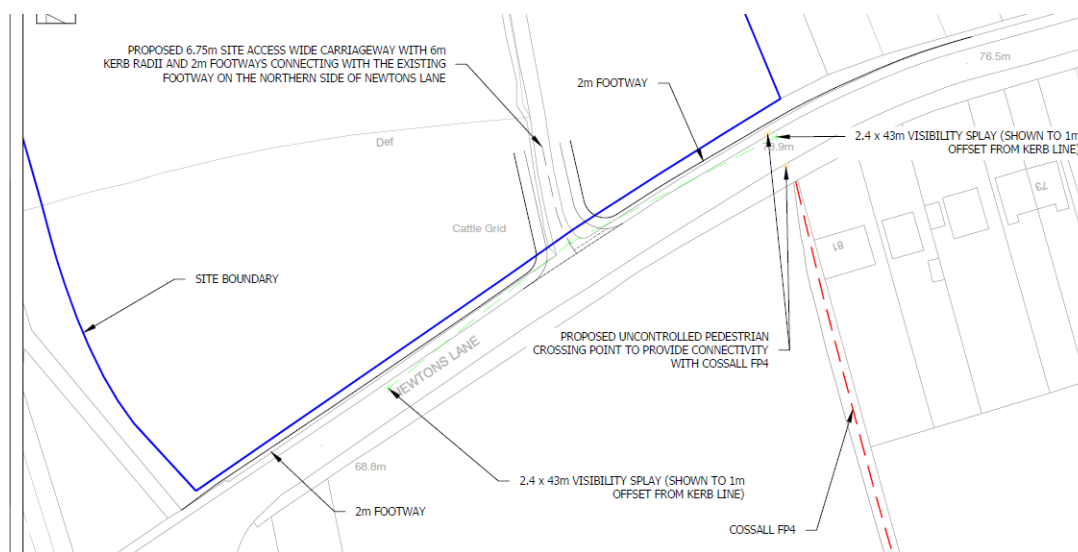


Schematic plan showing existing and proposed cycle and pedestrian links

6.4.5 Using data sets to establish the likely distribution pattern of trips to work the report identifies the expected two-way vehicular traffic movement in a peak hour and examines the impact of this on the proposed primary access from the A6096 (for trips outside of the Broxtowe 016 area) and on both the primary and secondary access for more local journeys to Kimberley and Trowell (areas within the

Broxtowe 016 area) on five existing off-site junctions identified as well as the primary site access. It concludes that two junctions would still operate with existing capacity (proposed site access and Coronation Road/Church Lane/Awsworth Road), two junctions have existing capacity issues which the proposal would not have a severe impact on (Shilo Way/Newtons Lane and Shilo Way/Coronation Road/ Millership Way) and with mitigation the remaining two junctions (Gin Close Way/A610/B6010 and A6090/Gin Close Way) would result in a significant improvement in performance on existing levels.

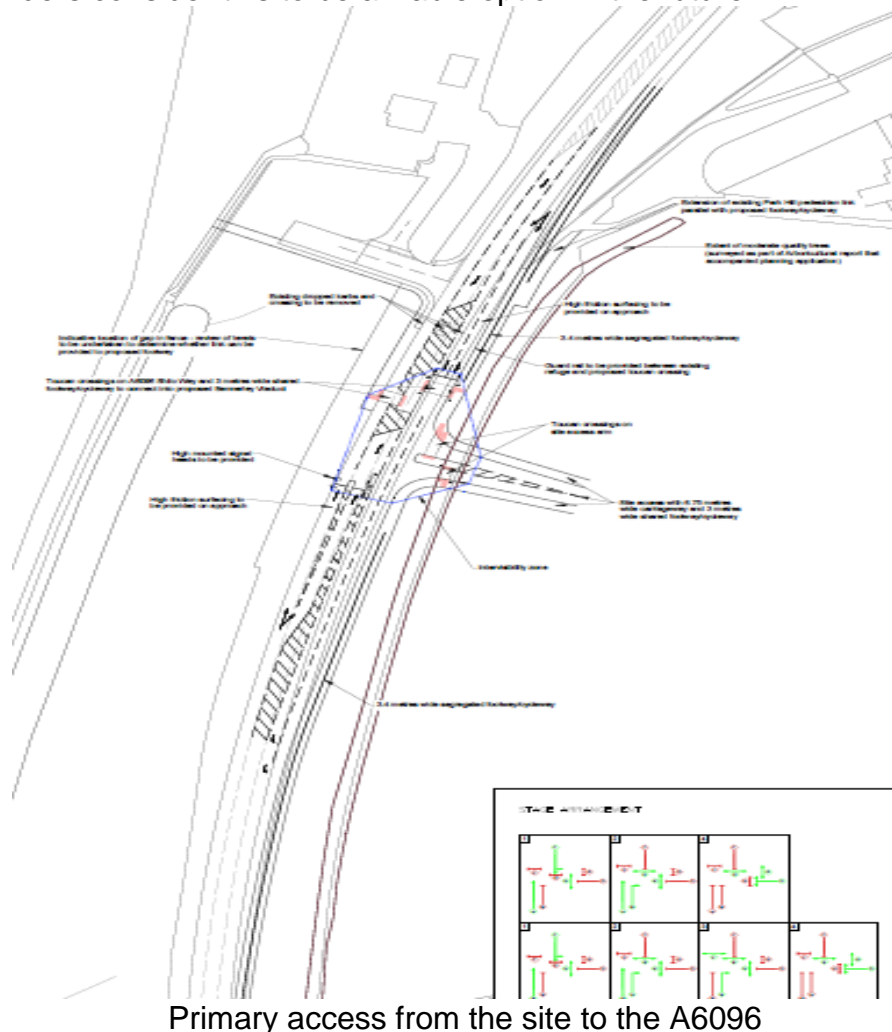
- 6.4.6 The report acknowledges that local traffic (that within the Broxtowe 016 area) would more than likely use the secondary access, but that the primary access would be used for most other trips. The Highways Authority raise no objections to the overall traffic movement from the site and agree with all the data sets and online mapping tools used to calculate traffic flows.



Proposed secondary access

- 6.4.7 The County Council has commissioned a comprehensive improvement scheme at the A6096/A610/B6010 Shilo Way/Gin Close Way roundabout due to the existing capacity issues which the Transport Assessment identifies. They have therefore requested that rather than the developer being required to undertake the mitigation works identified within the assessment a contribution of £258,000 towards the off-site improvement works identified in the improvement scheme would enable the Highways Authority to deliver this in its entirety. The requirement for this contribution should be secured as part of the S106 and with this in place it is considered the impact of the development on this junction is not so severe as to warrant refusal of permission.
- 6.4.8 Detailed permission is sought for the access points into the site; these are proposed to be from Shilo Way (A6096) (primary access) and Newtons Lane (secondary access). The access onto the A6096 would consist of a traffic signal controlled T-junction with crossing points both across the junction and linking up to the public rights of way to the west of Shilo Way. A secondary access to the south of the site would be provided onto Newtons Lane with a priority controlled T-junction. Two access points provide the opportunity for a central spine road to be created which could be used by public transport and help to further link the

new development to the village of Awsworth and beyond, should bus service providers consider this to be a viable option in the future.



Primary access from the site to the A6096

- 6.4.9 A number of amendments have been made to the detailed design of the access from the A6096 following comments received from the County Council, as highway authority. These include high mounted traffic signals, extensions to existing pedestrian links, road surfacing and road markings. The County Council, as highway authority, has no objection to the application subject to conditions, including details of the internal layout of the site to ensure that there is sufficient visibility, parking, appropriate surfacing etc., the requirement for replacement trees for the highway trees removed and the submission of a 'Construction Method Statement' which will cover details such as parking of construction traffic and wheel washing facilities.
- 6.4.10 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.
- 6.4.11 In conclusion on highway matters, it is considered that there are no significant highway issues which would warrant refusal of the application in accordance with the NPPF, subject to conditions relating to matters detailed above

6.5 Ecology

- 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.
- 6.5.2 Three Green Infrastructure Corridors identified within the Council's Green Infrastructure Strategy (2015-2030) run close to the site, with the closest being the Nottingham Canal Secondary Green Infrastructure Corridor (2.9), which lies to the west of the site on the opposite side of the A6096 and follows the route of the Nottingham Canal. This strategy document identifies existing assets to protect near this site including the Public Rights of Way links and identifies opportunities for change and enhancement including links to the canal towpath and using Bennerley Viaduct to connect Awsworth and Ilkeston.
- 6.5.3 There are no sites of international importance within 5km of the site and whilst there are 4 statutory sites and 21 non-statutory sites within 2km of the site, due to the absence of any such sites being located within the development site itself and the position of the site with clear defensible boundaries none of these sites lie immediately adjacent the proposed development. As such it is not considered that the development will have any significant impacts on these sites.
- 6.5.4 An 'Extended Phase I Habitat Survey' was submitted with the application. The field study's which inform this document found records of breeding and foraging bats, nesting and breeding birds and a small number of common toads. Local BAP priority habitats including hedgerows and farmland (semi-improved grassland/silage) are contained within the site. The site is made up of semi-improved grassland, marshy grassland, hedgerows, dense scrub and the access, hardstanding and buildings associated with White House Farm.
- 6.5.5 Reptile, breeding bird, amphibian and bat surveys were also submitted in support of the application. No reptiles were recorded within the site. The Amphibian report found no evidence of use by Great Crested Newts, however common toads were found within the site and smooth newts and common frogs within the wider area. Common toads are a UK BAP protected species and therefore are protected from intentional killing, sale and trade but not from development leading to loss of habitat. It is considered that the creation of attenuation basins within bands of soft landscaping will continue to provide appropriate habitat for amphibians and small mammals to move along.
- 6.5.6 The bat survey found no bat roasts located within the site but did record evidence of use by foraging and commuting bats with most activity within the centre and east of the site. The survey notes that mitigation and enhancement would include the installation of a sympathetic lighting scheme to avoid unnecessary illumination of woodlands and hedgerows and the introduction of tree avenues, water basins and bat boxes.

- 6.5.7 The breeding bird survey found no evidence of protected species within the site but did confirm one breeding pair (Dunnock) of conservation interest and a further 9 pairs of probable breeders of conservation interest (five different species). A further five pairs of possible breeders and a further six non-breeders of conservation interest were also found to use the site.
- 6.5.8 This report recommends that hedgerows and woodland and peripheral planting is retained and that nesting facilities are incorporated into the fabric of new builds and that vegetation clearance is carried out outside of the breeding season. Two protected species were recorded in the wintering birds report (Redwing and Fieldfare), however these are both protected due to their rare breeding rather than winter status and none were recorded breeding within the site. Eleven birds of conservation interest were also recorded within the site, however it is considered that the proposals will have limited impact on wintering birds if hedgerows, trees and scrub are retained and enhanced in line with the illustrative masterplan, which can be controlled by way of a condition.
- 6.5.9 Nottinghamshire Wildlife Trust have reviewed the application and submitted reports and strongly agree with the advice contained within 7.5 to 7.21 of the Phase I report which they are of the view could be secured through appropriately worded conditions.
- 6.5.10 No independent surveys are considered to be required for wildlife or biodiversity net gain as the application has been reviewed by NWT who have commented on the proposals and the submitted reports. 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. Landscaping proposals for the site together with the design of the proposed SUDs features can be secured by condition to ensure that biodiversity is fully considered at the reserved matters stage.
- 6.5.11 In relation to representations in respect of the loss of habitats and impact on protected species. 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 requiring a Construction Environmental Management Plan and Biodiversity Enhancement Plan which identifies the measures to be out in place have no objections.
- 6.5.12 To conclude, the proposed development is considered to cause no significant harm to wildlife subject to mitigation works which will be secured with conditions. Due to the age of the reports and the fact that further permissions will need to be sought which will delay the commencement of the development it is also considered appropriate to condition that more up to date reports are submitted with any reserved matters application.

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. The site lies within the Babbington Rolling Farmlands (NC02) character area as

identified within the Greater Nottingham Landscape Character Assessment (GNLCA) and adjacent NC01 Erewash River Corridor. A Landscape and Visual Impact 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.

- 6.6.2 The report identifies that despite the significant changes in level across the site the overall landform is relatively low in comparison to the rolling hills of the surrounding landscape. The wider landscape is characterised by a valley associated with the River Erewash to the west. The site is greenfield, divided into enclosures by hedgerows and part of the site is overgrown with scrubland. In the wider landscape the settlement of Awsworth and associated residential and commercial properties are located to the immediate east. There are also recreational grounds and beyond the settlement boundaries agriculture. Bennerley Viaduct lies to the west and beyond this to the north is the now demolished British Coal distribution yard. There are also clusters of industrial units, the railway station, a sewerage treatment plant and Giltbrook Retail Park. The wider landscape is characterised by agricultural areas divided by low-cut hedgerows and hedgerow trees. There are also more densely vegetated boundaries south of Babington. There is currently no public right of access through the site with the current public right of way (PROW) network adjacent to the site connecting Awsworth to the surrounding settlements and agricultural land. The extent of views from all PROW surrounding the site is variable and dependant on the surrounding vegetation.
- 6.6.3 The condition of both LCA's are considered to be 'moderate' with a 'strong' strength of character. Key actions for both are therefore to conserve and enhance and specifically within NC02 this includes the historic woodland, enhancing field patterns by replacing and conserving hedgerows, conserving areas of old enclosure, improving screening of the M1 and protecting the rural character of areas by minimising the effects of urban expansion by planting on urban boundaries. Bennerley Viaduct is a key feature of industrial heritage to be conserved within area NC01. Whilst the management of woodlands are advocated to prevent obscuring long views across the valley, planting to screen urban developments is also promoted to soften the impact on the valley setting.
- 6.6.4 At a more localised level whilst the site contains some of the features identified in the GNLCA including undulating landform, predominately medium sized and smaller fields, fields and roads bounded by hedgerows, the presence of Bennerley Viaduct and evidence of historical land uses the site is largely both physically and visually contained by vegetation and built form (the A6096 and the settlement of Awsworth) so that views are restricted to localised and short views and long distance views are filtered by intervening vegetation and structures.
- 6.6.5 The report identifies temporary (during construction) impacts and long term impacts of development and identifies constraints as being the existing vegetation which will need to be retained where possible, the rising landform making buildings more prominent, although these will be set against the existing residential development within Awsworth, the weaker vegetation on the eastern

and southern boundaries and the Grade II* listed viaduct. It also identifies opportunities as being located immediately adjacent the built settlement, providing opportunities for public open space and connections to the Nottingham canal, opportunity to reinforce the green link along the northern boundary of the site, and enhance existing green infrastructure and retain hedgerows, utilise existing PROW and create pedestrian access from the south of the site to Shilo Way.

- 6.6.6 In conclusion there will be a limited visual impact on the wider landscape character as a result of the development. At a more localised level there will also 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, as is the case with all proposals which introduce built form. However, this is considered to be balanced against the improved quality, amenity and accessibility which the development could provide with the replacement of vegetation removed, new green infrastructure and open space and opportunities for a new high quality native landscape scheme which will be used to mitigate against this change in landform and create an appropriate transition between the development and the relatively rural landform to the west.

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 it respects the asset's 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 There are no designated heritage assets within the application site itself, however there are four within 2km of the site boundary including Bennerley Viaduct, Awsworth Infant School, Walls, railings and playground at the school and the War Memorial. These have all been designated under national criteria and therefore their heritage value is high, with Bennerley Viaduct being a Grade II* asset and therefore having the highest value.
- 6.7.3 The application site is within 200m of the Grade II* Listed Bennerley Viaduct which has historical and architectural value at a national level, being one of only two surviving wrought iron viaducts in the country. Its immediate setting is the Erewash Valley and associated train line and the former Bennerley colliery with which it would have had an association and from where it is most readily visible. There will be some impact on its setting, as views of the viaduct are possible from within the site, however due to the surrounding topography, the intervening distance and land use, it is not considered that this would be significant.
- 6.7.4 However, whilst there will be a minimal impact on its setting it is considered that the formation of links from the site to the viaduct and beyond will be an important part of its interpretation, enjoyment and maintenance. As such it is considered that

funding should be secured through Section 106 contributions to assist in this maintenance and ensure that the proposal contributes to its conservation and enhancement by opening up the asset to users.

- 6.7.5 The other designated assets are considered to gain value from their settings as groups, the war memorial with the non-designated church and the school with its associated railings, wall and playground has a setting within the village streetscene. It is considered that the development site does not have an impact on any of these assets.
- 6.7.6 The Heritage Statement submitted with the application identifies a number of non-designated heritage assets within the site including hedgerows on the alignment of the Tithe map field pattern, those associated with the former quarry and coal mining and White House Farm and outbuildings. Whilst the proposal in only in outline form it is shown on the indicative plan that a number of the hedgerows, where possible will be retained within the development. In respect of the other assets it is considered that their heritage value is low and will be completely removed. The Council's Conservation Advisor notes that the existing land use makes it difficult to interpret previous uses or the route of the railway but that there may be some potential to make some indication of former activity within the detailed scheme. It is considered that a programme of archaeological works is secured by condition to ensure that recording of White House Farm prior to demolition and any archaeological remains encountered or hedgerows removed are made.
- 6.7.7 In conclusion in regard to heritage it is considered that the proposal will not result in any substantial harm to the designated assets within 2km of the application site. Whilst the proposal will result in the loss of some non-designated heritage assets it is considered that these are of low heritage value and where possible will be either retained, or recorded.

6.8 **Pollution/land stability/air quality**

- 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 investigation 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 Noise Assessment, Flood Risk Assessment and Drainage strategy, Phase I Geotechnical Desk Study and Phase II Assessment and a Coal Mining Risk Assessment (CMRA) 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 CMRA identifies a number of key coal mining features within the site including unrecorded coal mining, mine entries, fissures and faults and open cast workings.

Open cast workings within the north of the site have been excavated to a depth between 24 and 33m. The main risks associated with developments post this form of mining relate to settlement of the opencast backfill. Whilst mining ceased on site in the early 1980's there are still moderate risks of further settlement through groundwater egress, the additional load of the proposed housing and across high walls which are likely to exist.

- 6.8.4 The condition of the underground workings is not known, however given their age it is likely that these are in a state of collapse, however due to the depth of these workings there is considered to be sufficient rockhead cover to mitigate risk. Abandonment plans for an extension of the opencast mining operation show old workings particularly within the centre and north of the site at depths between 5 and 13 metres. It is unlikely that there would be sufficient rockhead cover to mitigate risk. 13 mine shafts were also located on or within 20 metres of the site and it is likely that there will be unrecorded workings associated with these. Three of these are within the extent of the opencast workings and likely to have been removed. Three are shown to the south of the site, however given the accuracy of the plans could be within the site boundary. There are no records of the treatment of any of the 13 identified mineshafts and it is therefore assumed that these are still present. They present a constraint to the development as the risk from subsidence is high. Typically, a no-build zone is recommended around mine shafts, although this is influenced by a number of factors.
- 6.8.5 The Coal Authority have recorded no instances of mine gas emissions requiring action within the site. However, it is possible that the mine shafts could present opportunities for migrating gasses if not appropriately treated. A phase II report was submitted in response to comments received by the Coal Authority. This report considers the historical legacy of coal mining and potential land contamination, both present within the site and from nearby sources including local landfill and the discussed canal and is also based on intrusive site investigatory works undertaken in spring and autumn 2019. The report identifies a number of matters including that;
- none of the soil samples contain asbestos or excessive chemical concentrations such that remedial measures are not required;
 - The site can be split into two zones, one of which would require gas prevention measures being installed within properties and the other would not. It considers further monitoring is required;
 - 6 areas of shallow coal workings which pose a risk to development. Further rotary drilling investigations are required to confirm appropriate mitigation requirements;
 - 9 mine shafts are located on the site with no treatment records. Investigations only found 2 of these, but did find evidence of 7 potential mine entries. There is potential for further unrecorded mining features within the site. Further investigations are required to identify all features and mitigation measures/treatments;
 - Two types of foundations should be used depending on locations within the site, traditional strip and trench and driven piles (within the former opencast areas);
 - Further testing be carried out for buried concrete; and
 - 1m thickness of non-combustible capping be placed within the gardens and soft landscaped areas to mitigate against risk of combustion.
- The report also makes recommendations for further intrusive works to be undertaken to inform any necessary mitigation measures.

- 6.8.6 The Coal Authority have reviewed the information received and consider that further assessments of the coal mining risks associated with the site should be carried out to fully demonstrate that the site is safe, stable and suitable for development. They raise no objections subject to conditions relating to these investigations and the implementation of any associated mitigation measures.
- 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 As the application is for outline development only no information has been submitted in respect of the number or position of EVC, however it is considered that this could be secured by condition. The masterplan has also demonstrated that the site can be served by a link road that could be utilised by a bus service. Connecting footpaths and cycleways through the development from/to Awsworth, Giltbrook and Ilkeston will also help to improve future occupant's choice of travel modes and conditions can be secured to control the provision of such.
- 6.8.10 Residents have raised concern with the increase in air pollution as a result of the development and specifically the impact of this on the school and the children who attend. Advice sought from the Council's Environmental Health Officer is that whilst vehicular traffic will increase as a result of the development, the site is not within an Air Quality Management Area (AQMA) and the main entrance and exit to the new development is onto the by-pass therefore the effect on the air quality at the school would be negligible. The air quality within Awsworth is below the Air Quality Objective of $40\mu\text{g}/\text{m}^3$ with the annual average being measured to be 24 – $26\mu\text{g}/\text{m}^3$ and the first building on the school site that is closest to The Lane, which runs through Awsworth is 10.2 metres away. It is therefore considered that the proposal would not have any significant impact on air quality surrounding the site.
- 6.8.11 In conclusion, it is considered that 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 Neighbourhood Plan

- 6.9.1 The Borough Council's Jobs and Economy Committee, at its meeting on 25 March 2021, resolved that the Awsworth Neighbourhood Plan, including the modifications proposed by the Independent Examiner, be approved to proceed to a referendum on 10 June 2021. Planning Practice Guidance (PPG) notes that an emerging Neighbourhood Plan is likely to be a material consideration in many cases, and further notes that after a Local Planning Authority publishes the Notice of a Referendum, the emerging Neighbourhood Plan should be given more weight. Broxtowe Borough Council published the Notice of Referendum for the Awsworth

Neighbourhood Plan on 5 May 2021. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Therefore, the policies of the Awwsworth Neighbourhood Plan, including Policy H1 (New Homes on 'Land West of Awwsworth (inside the bypass)'), should be afforded significant weight in the determination of this application.

- 6.9.2 Notwithstanding this Policy H1 of the plan relates to the application site (where it is in Awwsworth) and states that dwellings should protect the amenity of existing neighbours, be of a high quality design, that the development should not result in an unacceptable impact on congestion or road and pedestrian safety and where feasible provide for the integration of adequate but sympathetically designed traffic-calming measures, it should incorporate adequate measures to mitigate any adverse effects caused by any increase in traffic through Awwsworth village and along the A6096 Shilo Way, enable bus access through the site, provide an appropriate range of community and recreational facilities including a neighbourhood shop and incorporate onsite open space and retain where possible important hedgerows and the setting of Bennerley Viaduct.
- 6.9.3 The design of the properties is for consideration at the reserved matters stage, however it is considered that the proposal could be developed in accordance with this part of the policy. The Highways Authority have considered the proposal and consider that a S106 contribution should be sought towards off site junction improvements to increase capacity on local roads. The detailed design of the spine road through the site will be considered as part of the reserved matters application, including any traffic calming measures required to prevent rat running. Whilst a neighbourhood shop is not proposed it is considered that the proposal could contain a number of the community and recreational facilities, such as open space and a children's play area and improvements to existing pedestrian and cycle routes could improve accessibility to existing facilities in Awwsworth.
- 6.9.4 Accordingly it is considered that the proposal is largely in compliance with the relevant Policies contained within the Awwsworth Neighbourhood Plan.

6.10 Developer Contributions

- 6.10.1 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. Paragraph 56 of the NPPF advises that only those contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.
- 6.10.2 There have been contribution requests in respect of education, health care (Notts west CCG and Nottingham University Hospital Trust), the Bennerley Viaduct project, off-site highway mitigation, transport and travel services (bus service and infrastructure improvements) and maintenance of public open space. These total £2,884,967
- 6.10.3 Policy 15 of the Part 2 Local Plan requires 30% affordable housing on the newly allocated site in Awwsworth and this would equate to 75 units. The Council's

Housing Services and Strategy Manager requests that the mix of this should include 10 x 1 bed units, 35 x 2 bed (with own front door) and 30 x 3 bed houses, which would match the needs and demands of the area.

- 6.10.4 The applicants submitted a Financial Viability Assessment for the site which demonstrates that it cannot afford to deliver the scheme with the full contributions requested. However, in recognition of the need for a compromise to bring the site forward, the applicant proposed a £1.575 million financial contribution and 10% on-site affordable housing.
- 6.10.5 The viability report submitted by the applicant provides information on the costs associated with the development such as the central spine road which would need to be designed to allow a bus to travel along it, other road construction costs, the junction works, significant land remediation due to the coal mining legacy across the site, drainage, landscaping and construction costs associated with the dwellings proposed.
- 6.10.6 The Council instructed an Independent Viability Expert to review the Assessment submitted on behalf of the applicants. They reviewed the data and whilst they confirmed that the site was not viable with the requested contributions in full they considered that by reducing some of the cost assumptions made and the profit from the scheme, together with alterations to the housing mix the scheme could contribute 30% affordable housing and between £1,013,000 and £1,800,000.
- 6.10.7 A further assessment of the costs was undertaken by an appointed Quantity Surveyor (QS) to establish whether the cost assumptions of the developers were acceptable. The QS raised a number of matters in their original assessment of the scheme which would result in less site specific costs. However, on the provision of further information from the developer some of these assumptions have been revised.
- 6.10.8 Of the matters raised by the independent QS, one related to the costs associated with landscaping. In relation to this matter the Council's Parks and Green Spaces Manager has advised that the developers costs are more in line with what he would expect for the site. The developer also proposed GTS and Virgin connections. Whilst these are desirable, given the requests for contributions from other sources it not considered that these are wholly necessary expenditures.
- 6.10.9 The matter which results in the biggest difference in projected costs relates to remedial works due to the use of the site historically for coal mining activities. The Rogers Leak report estimates these costs at between £40,000 and £70,000. The developer's specialist subcontractor has suggested that the costs will be closer to the higher end of this range. The QS has advised that a fair assessment at this stage would be to take the mean average estimate cost and has based her response on this.
- 6.10.10 The construction and sale costs for the site have been based on 250 units, 75 of these being affordable units (30 social rent, 23 affordable rent and 22 intermediate housing), with the market housing split being 9x1 bed, 52 x 2 bed, 79 x 3 bed and 35 x 4 bed. These assumptions provide a mix of housing and tenures across the

site and the illustrative masterplan submitted with the application demonstrates how these types and numbers of properties could be accommodated.

- 6.10.11 The independent financial assessor has drawn on his own evidence of construction costs and sales values and his final report has regard to these together with the evidence provided by the developer's viability team.
- 6.10.12 The final viability report from the appointed assessor which combines the work of the QS states that the main difference between his and the developer's viability reports relates to benchmark land value. However, they are of the view that the site could reasonably deliver 30% affordable housing on site and £185,000 of S106 contributions.
- 6.10.13 In sharing the work of the QS and independent financial assessor with the developers, whilst they do not agree with the output of the independent assessor they have provided a new position of 20% affordable housing and financial contributions of £1.5m.
- 6.10.14 In reviewing the work undertaken by the independent financial assessor it would appear that this revised offer is in the region of his calculations of the project. This also takes into account the reduced costs the QS assumes for the public open space works and acknowledging the unknown extent of the costs associated with the coal mining legacy of the site. The assessor has confirmed that this offer is almost identically in line with the findings of his appraisal and would recommend that this offer is accepted by the Council.
- 6.10.15 In reviewing the financial contributions sought the Council, along with other authorities in Nottinghamshire have taken the stance that contributions sought by Nottingham University Hospitals Trust are not justified, particularly (but not explicitly) in relation to allocated housing sites as these have been the subject of consultation with relevant health providers at the time of production and cannot be justified to require a developer to 'plug' a gap in funding.
- 6.10.16 Railway Paths Limited have requested a sum of £889,786 towards the Bennerley Viaduct project which aims to bring the Grade II* listed viaduct into public use for walking and cycling. The current project comprises works to open the viaduct for public access, including repair and restoration works, the construction of a western access ramp and the installation of a new decked surface on the viaduct suitable for the public use. There is a shortfall in funding for these works of £289,786. The current project doesn't include an eastern access ramp to connect the eastern end of the viaduct deck with the Public Right of Way network and with Awsworth. Construction of an eastern ramp would enable multi-user access (including cycle access) at this end of the site, whereas, to keep the costs of the current project down, steps will be installed on the eastern embankment stub to provide foot access only. They estimate the cost of the works to be £600,00 and request contributions for these works as they will be of great benefit to the new residents of the proposed housing scheme.
- 6.10.17 Key development requirements of Policy 4.1 of the P2LP, which allocates the site for housing are that the proposals should provide safe pedestrian and cycle routes towards the viaduct and that it should, where possible contribute towards its

conservation or enhancement. Whilst it is clear that the new residents would greatly benefit from the increased accessibility which the works would provide and therefore enhance the enjoyment of the heritage asset. The existing residents of Awsworth, Cossall and further afield would also benefit from these works. Therefore, it is not considered that the request of £600,000 towards the full costs of these works, it is justified, proportionate and fair. A reduced contribution towards the shortfall and the future works to the eastern bank would seem more equitable.

- 6.10.18 The off-site highways contribution of £258,000 is required to make the development acceptable on highways grounds, without which the highways authority would recommend that the application be refused as it would likely result in 'severe' implications to the local highway network. In view of this it is considered that this request is necessary and proportionate.
- 6.10.19 The County Council have also requested funds towards improved and new bus stops, bus taster tickets and new bus services through the development totalling £264,500 (£52,000 + £12,500 + £200,000 respectively).
- 6.10.20 Contributions of £955,000 (40 places x £23,875) towards the provision of secondary school places within Eastwood and Kimberley schools have also been requested by Nottinghamshire County Council.
- 6.10.21 Nottingham West CCG have requested a contribution of £135,468.75 to contribute towards enhanced capacity and infrastructure at Giltbrook Surgery and Cotmanhay Surgery
- 6.10.22 Financial contributions are required 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 the whole sum of money from Railway Paths Limited in respect of works at Bennerley Viaduct are not considered to meet these tests.
- 6.10.23 Whilst it is understood that the costs are based on an outline scheme and the details of which are not for consideration at this point in time, the site is allocated for up to 250 dwellings therefore the sales costs cannot be substantially increased through an increase in dwelling numbers. The mix of housing could change. However, given the developable area of the site it is unlikely to result in a significant increase in the most profitable dwellings.
- 6.10.24 It is considered that the scheme has been through a thorough and robust viability assessment and it is clear that the scheme would not be viable with the full contributions requested.
- 6.10.25 Therefore, and in conclusion it is considered that the compromise position put forward by the developer should be accepted and the funds used to secure the off-site highways works (£258,000) with the remaining funds to be put towards the other requests which are considered reasonable (£264,500 Bus Stop Improvements etc. and £488,750 towards both Secondary Education CCG contributions), plus 20% Affordable Housing across the site. Should members consider it necessary, a clause can be added to the S106 Agreement that would require the developer to reassess the viability of the scheme at a certain fixed

point in its development to ensure that its viability has not significantly improved (or reduced).

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of 250 dwellings including a number of affordable dwellings, the short term jobs created during the construction of the development and the financial contributions towards the opening up of the Bennerley Viaduct for pedestrian and cycle routes, education, open space, integrated transport and off-site highway works. 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.

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, 3, 6, 8, 10, 11, 14, 16, 17, 18 and 19 of the Aligned Core Strategy (2014); Policies 1,13, 15, 17, 19, 20, 21, 22, 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 prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing on the site and contributions towards: provision of education measures, off-site highway works, provision and maintenance of open space, integrated transport measures, improved health facilities and improvements and maintenance of links towards and over Bennerley Viaduct; and**
- (ii) the following conditions:**

- | | |
|-----------|---|
| 1. | <p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 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 commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The development hereby approved shall be carried out in accordance with drawing numbers ADC1044/005 revision D and drawing ADC1044/007 revision A received by the Local Planning Authority on 7 October and 29 January 2020 respectively. Occupation of the proposed development shall not take place until the site access arrangements as shown on both of these plans have been provided.</p> <p>Reason: For the avoidance of doubt and in the interest of highway safety.</p>
4	<p>Prior to the submission of any reserved matters application the intrusive site investigations identified within Section 12.8 of the Geo-Environmental Assessment dated 11 December 2019 shall be undertaken.</p> <p>The findings of these investigations shall be submitted to the Local Planning Authority with the first reserved matters application and shall include the following:</p> <ul style="list-style-type: none"> - A report containing the findings of the intrusive investigations; - The submission of a layout plan which identifies the location of the opencast highwalls and the location of the on-site mine entries (on and off-site) and the definition of suitable 'no-build' exclusion zones; - The submission of a scheme of treatment for the on-site mine entries for approval; and - The submission of a scheme of remedial works for the shallow coal workings for approval. <p>Following the written approval of the Local Planning Authority, the remedial works identified, shall be implemented in full accordance with the approved details prior to the commencement of the development.</p> <p><i>Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development and in</i></p>

	<i>accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
5.	<p>Before any site clearance or development is commenced, detailed drawings and particulars showing the following (the ‘Reserved Matters’) shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) the layout, scale, and external appearance of all buildings; (b) parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, drainage and the location and detail of all Electric Vehicle Charging points. All details shall comply with the County Council’s current Highway Design and Parking Guides (c) full manufacturer details of the materials to be used in the external surfaces of all buildings and including the location and colour of the external meter boxes; (d) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point; and (e) landscaping treatment of the site <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 2, 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and in the Interests of Highway safety.</i></p>
6.	<p>Prior to the occupation of each dwelling their respective driveways shall be surfaced in a hard bound material (not loose gravel) for a minimum distance of 5.5m from the back edge of the public highway, and drained so as to prevent the discharge of surface water from the driveway 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>
7.	<p>No development shall not take place 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"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>Reason: In the interest of highway safety</p>
8	<p>The pedestrian connections to Park Hill and Barlow Drive North shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings hereby approved. The details shall include information relating to the status, ownership and maintenance of the connections, their width, surfacing and any lighting proposed.</p> <p>Reason: To promote sustainable travel and in accordance with Policy 4.1 of the Broxtowe Part 2 Local Plan.</p>
9	<p>The detailed drawings and particulars required under condition 5 (e) shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedgerows and shrubs to be retained and measures for their protection during the course of development. No development shall commence until the agreed protection measures are in place; (b) numbers, types, sizes and positions of proposed trees and shrubs including those to replace the highways trees removed; (c) proposed hard surfacing treatment; (d) planting, seeding/ turfing of other soft landscape areas including surrounding SUDs features; (e) details of the site boundary treatments and curtilage boundary treatments; (f) Details of all bridleway, footpaths and pathways within the site including their proposed status, maintenance, surfacing, widths and any proposed deterrents for use; and (g) a timetable for implementation of the scheme

	<p>The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10	<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"> • 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. • 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. • Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA. • Provide detailed design plans in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. • For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

	<p>Reason</p> <p>A detailed surface water management plan is required to ensure that the development prevents an increase in flood risk, improves and protects water quality and has sufficient surface water management in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Part 2 Local Plan.</p>
11	<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"> (i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and (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. <p><i>Reason: The application was submitted in outline only so no such details were provided. 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></p>
12	<p>a) Prior to works commencing on the construction of any dwellings, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by the Local Planning Authority specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <ul style="list-style-type: none"> - An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime); - An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime); - An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 (night time) - An LMax fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time) <p>Those dwellings requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures shall be identified and agreed with the Local Planning Authority prior to construction commencing. In dwellings</p>

	<p>where windows must be closed to achieve the above levels adequate acoustic treated ventilation must be provided.</p> <p>b) All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided. 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></p>
13	<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><i>Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences in the interests of public health and safety so as to protect occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
14	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
15	<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"> a) Risk assessment of potentially damaging construction activities b) Identification of 'biodiversity protection zones'. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as part of a set of method statements).

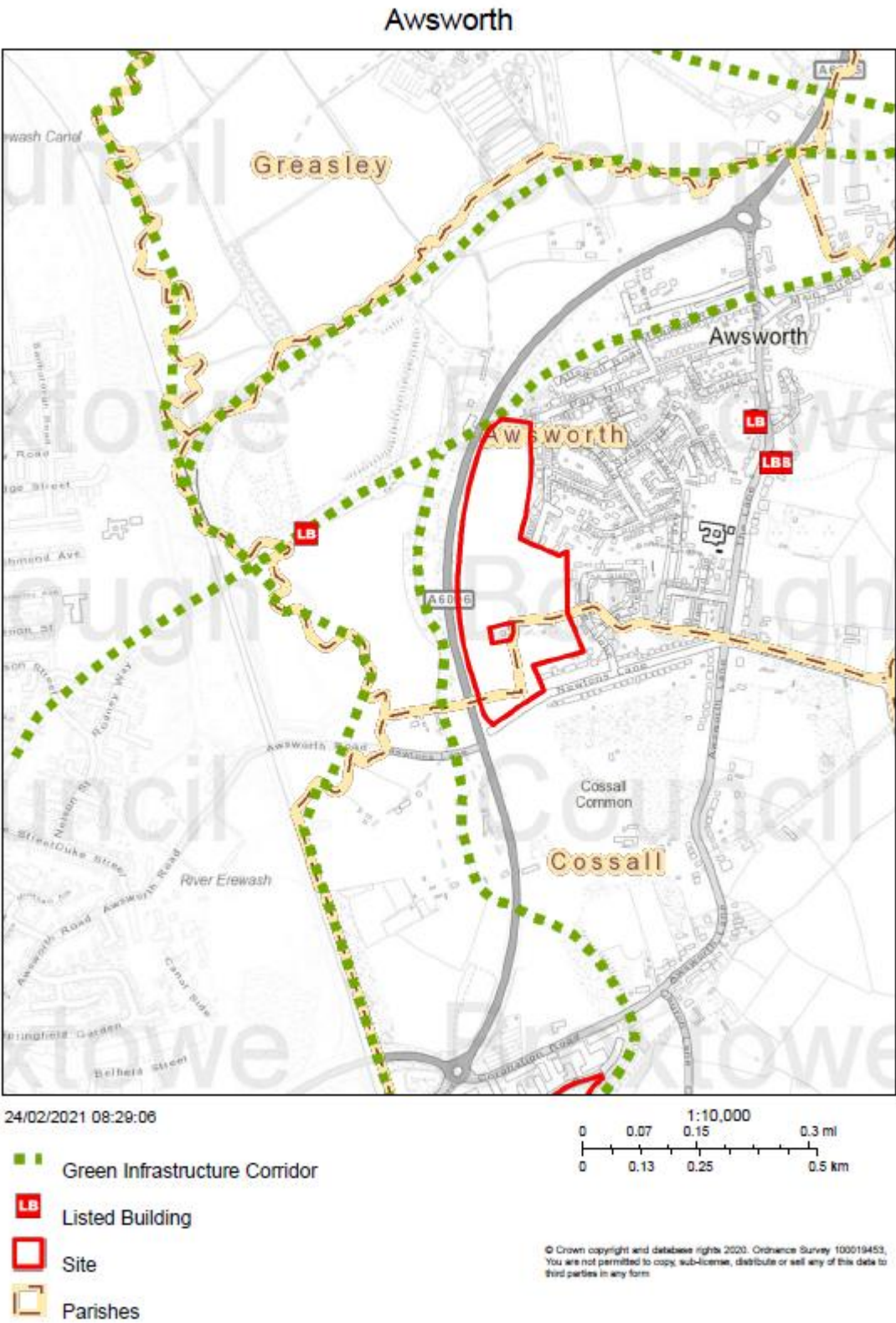
	<p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</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>
16	<p>Prior to works commencing above foundation level a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter with photographs of the measures in situ submitted to the Local Planning Authority for confirmation. Measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> • Native wildlife planting (trees, berry rich shrubs, wildflower/grasslands) • Wildlife friendly surface water attenuation areas/wetlands/ponds • Future management of retained trees and hedges • Grassland management (mosaic of heights) • Maintenance of 'dark habitat' areas and sympathetic lighting • Details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers) • Details of bird boxes (including swift boxes) will be clearly shown on a plan (positions/specification/numbers) • Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows) • Log/brush piles for amphibians <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>
17	<p>No development, including site clearance shall commence until updated ecological information including bat, amphibian, reptile wintering and breeding bird surveys, have been completed, submitted to and agreed in writing by the Local Planning</p>

	<p>Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: The surveys submitted with the application are over 3 years old. As the application is in outline form only and requires reserved matters approval it is considered necessary that more up to date information is provided prior to the commencement of the development to ensure that the impact on biodiversity including any required mitigation is satisfactory, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
18	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 9 (a) 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 and hedgerows 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>
19	<p>Prior to the demolition of White House Farm a Level 3 Building Recording, in accordance with RCHME guidance, shall be undertaken and submitted to, and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure an accurate record of this building is made and in accordance Paragraph 199 of the NPPF.</p>
20	<p>Prior to the removal of any hedgerows identified as ‘important’ under the archaeology and history criteria of the Hedgerow Regulations 1997 an archaeological recording shall be undertaken and submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure an accurate record of any important hedgerows are made and in accordance with Paragraph 199 of the NPPF.</p>
21	<p>Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local Planning authority in writing within 5 working days. Works shall be halted in the area affected until provision has been made for the retention and/or recording and any associated reporting, publication and archiving commensurate to the archaeological work undertaken in accordance with details submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure appropriate investigation and recording/mitigation of any below ground archaeology in accordance with Paragraph 199 of the NPPF.</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	The submitted plans are for indicative purposes only and this decision does not approve the layout, form or design of any of the dwellings, landscaping or any other matters.
4	The developer will need to purchase first time bins. Notice will be served in due course. Properties will be allocated the following: 1x 240l bin for residual waste 1x 240l bin for dry recycling 1x 37l bag for glass recycling.
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.</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.</p>
6	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 of the 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.
7	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
8	Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on a building occurs. For properties or parts of properties that need upgrading, refurbishing or demolition, a 'Refurbishment/Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health Team at health@broxtowe.gov.uk
9	You will need to contact the Council's Environmental Health Team on 01159173714 to notify them of the arrival on site of any Mobile Crushing plant for them to carry out an inspection of the crushing equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended)
10	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
11	Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
12	Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn

	<p>Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).</p>
13	<p>Searches have identified that there are gas apparatus within the vicinity of your site which may be affected by the proposals. Please contact Cadent Gas at plantprotection@cadentgas.com to discuss your proposals further. Further guidance can be found on both the Cadent Gas and National Grid websites and you are encouraged to investigate these matters prior to the commencement of development.</p>
14	<p>As part of the detailed design of the scheme, consideration should be given to the potential for providing an indication of the former activity within the site and its links with the Bennerley Viaduct.</p>
15.	<p>As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>



Photographs



View down Newtons Lane, site boundary on right



Southern site boundary in a westerly direction



From south boundary towards the south-west



From south boundary towards 'The View'



West boundary towards Newtons Lane



From west boundary towards The View



View towards the west from the middle of the site



North towards Barlow Drive North



Towards properties on The Glebe



From NE towards White House Farm



East looking towards SW

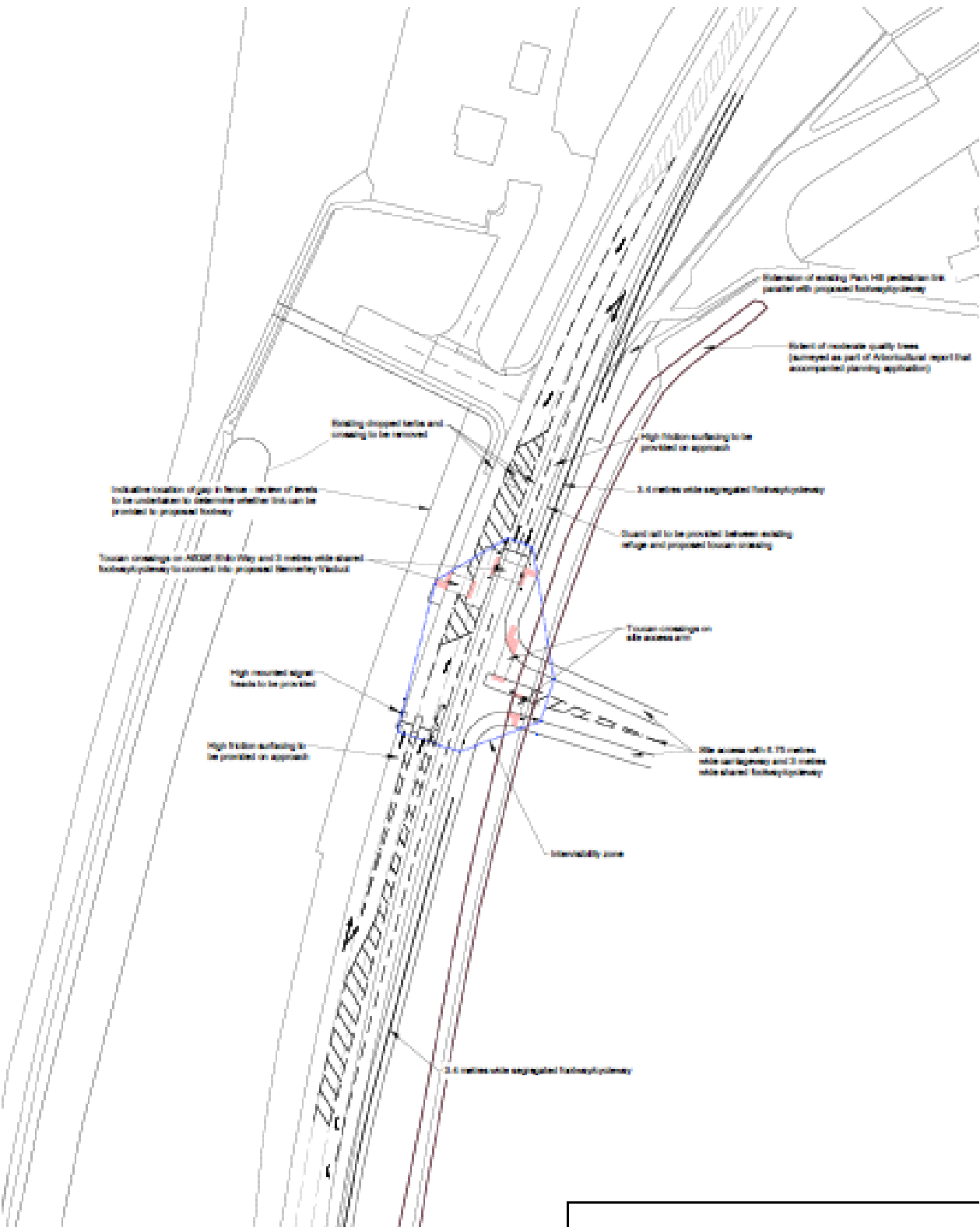


Northerly view towards Park Hill

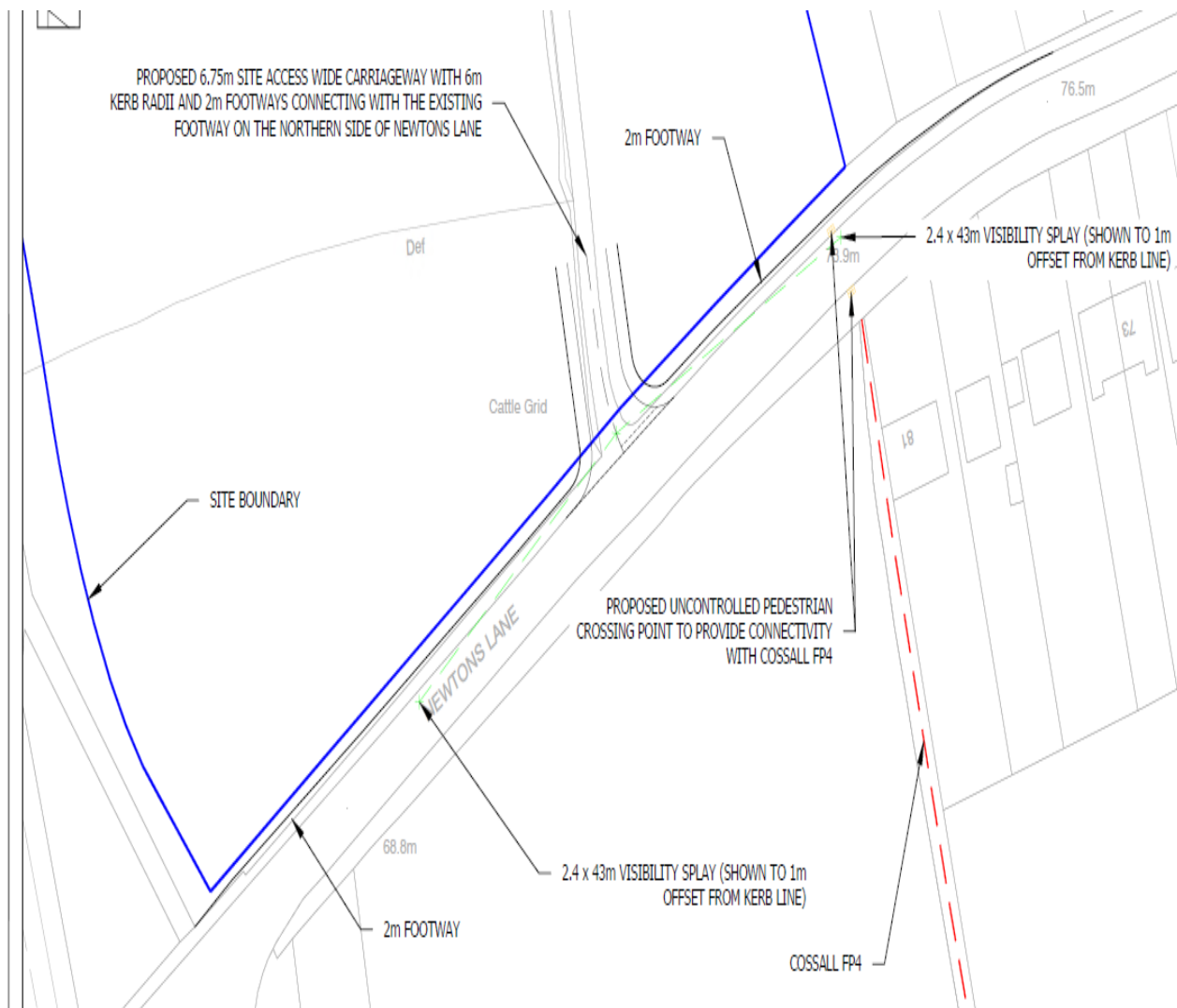


NE – SW showing bank of trees along A6096 View from the A6096 of site and tree belt

Plans



Primary access



Secondary access

Report of the Chief Executive

APPENDIX 2

APPLICATION NUMBER:	20/00056/OUT
LOCATION:	Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth
PROPOSAL:	Outline application to demolish White House Farm and construct up to 250 dwellings, including the provision of new areas of open space, childrens play, landscaping and storm water attenuation, with all matters reserved except for the formation of a vehicular access from the A6096 Shilo Way (Awsworth Bypass) and secondary access from Newtons Lane.

The application is brought to Committee as the Section 106 (S106) contributions are not policy compliant.

1 Executive Summary

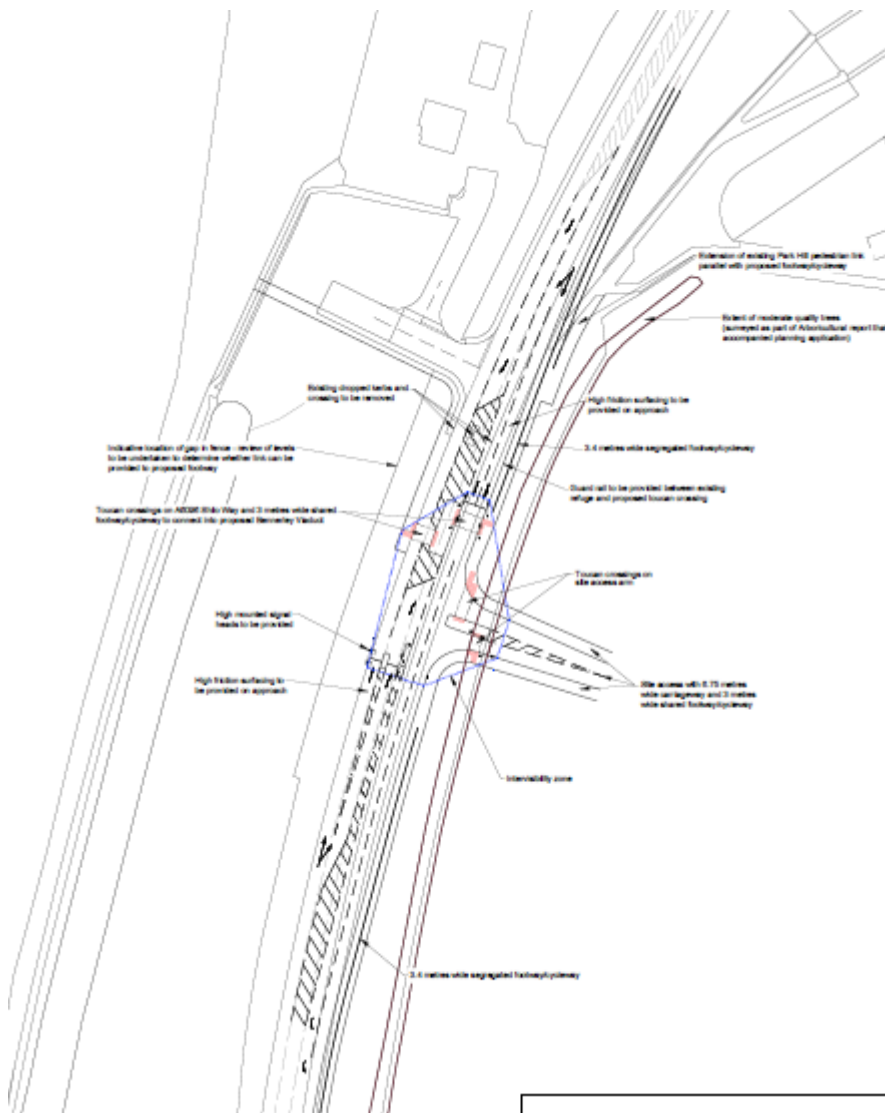
- 1.1 This major application seeks outline planning permission for up to 250 dwellings and associated infrastructure with all matters reserved for consideration at a later date, save for access. The application site has been allocated in the Part 2 Local Plan which was adopted in October 2019 for residential development of up to 250 dwellings and the proposal is therefore broadly consistent with this policy.
- 1.2 The illustrative masterplan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children's play area are also shown together with the retention of 'The View' and several hedgerows. This is an indicative plan only however and the only matter for consideration as part of the application is the principle of the development and the two vehicular accesses shown.
- 1.3 The main considerations with the application are the principle of this type of development, including the viability of the scheme and the proposed access points into the site.
- 1.4 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 for residential development of up to 250 dwellings. A viability report has been submitted and independently assessed which demonstrates that the site is not viable with the full quantum of Section 106 requirements and therefore it is considered appropriate to accept reduced contributions in accordance with this report. The two points of access are considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works it is not considered that there would be severe implications for the road network.

- 1.5 The Committee is asked to resolve that the outline planning permission be approved subject to the conditions outlined in the appendix and a S106 Agreement being completed.

APPENDIX 1

1 Details of the Application

- 1.1 This is a major outline planning application, with all matters reserved except for access (which would be taken from two points), for up to 250 dwellings, associated infrastructure, flood attenuation works and open space. This would equate to a density of approximately 24.7 dph.
- 1.2 Access to the development is proposed from two points around the sites perimeter. The primary access is to be taken from the A6096 towards the northern end of the site and would consist of a traffic signal controlled T-junction which would include high friction surfacing along the A6096 on the approach to the junction, toucan crossings across the access and the A6096 and shared pedestrian/cycleways. A secondary access would be provided towards the south of the site from Newtons Lane and would take the form of a priority-controlled T-Junction.



Plan showing primary access to the A6096

- 1.3 The following supporting documents were submitted with the application:
- Design and access statement
 - Illustrative Masterplan
 - Arboricultural Assessment
 - Noise assessment
 - Flood risk assessment and drainage strategy
 - Transport assessment
 - Travel plan
 - Phase 1 habitat survey and species related additional surveys
 - Historic Environment Assessment
 - Phase I Geotechnical Desk Study
 - Coal Mining Risk Assessment
 - Landscape and Visual Impact Assessment
 - Consultation statement
 - Planning statement.
- 1.4 During the course of the application, a Health Impact Assessment, Building for Life 12 Assessment, Phase II Geotechnical Assessment, Viability Assessment and amended plans relating to 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 250 dwellings in the Part 2 Local Plan (2019).
- 2.2 The site lies to the west of the main built up area of Awsworth and infills the gap between the residential properties on Park Hill, Barlow Drive North, The Glebe and Newtons Lane and the Awsworth bypass (A6096). The site is largely within the Parish of Awsworth, with approximately 1.5 hectares of the south and south eastern part of the site falling within Cossall Parish. The Bypass is separated from the application site by a strip of woodland planting, which partially screens the site from the west. The eastern boundary of the site is largely made up of various residential boundary treatments of 2m or less in height. The southern boundary of the site is made up of hedgerow and trees.
- 2.3 The site extends to a little over 10 hectares in area and includes 5 field parcels which are divided by hedgerows and other vegetation. A dwelling and several outbuildings (White House Farm) are located towards the south east of the site. A second dwelling lies in the middle of the site (The View) but this is not included in the application site and is not in the applicant's ownership. The site has been historically used as both a clay pit and for open cast mining with these uses finishing in the early 1980's. Since then it has been in agricultural use and is classified as Grade 4 'Poor' agricultural land (Natural England Agricultural Land Classification Map).
- 2.4 The site is in Flood Zone 1. A ditch runs adjacent the site boundary along Newtons Lane. The topography of the site slopes upwards in an easterly direction, with a level difference of approximately 18 metres from the southern section of the

western boundary (adjacent the A6096) to the northern part of the eastern boundary.

- 2.5 The Grade II* Listed Bennerley Viaduct is located approximately 175m to the west and some limited views of this are gained from within the site through the screen of trees. Cossall Conservation Area is located 1.1km to the south-east of the site and the Listed Awsworth Infant School, walls, railings and playground and the village War Memorial lie to the north east and east.
- 2.6 Shilo Recreation Ground is located approximately 70m to the north of the site and there are various other 'Green Infrastructure' assets identified in the Council's 'Green Infrastructure Strategy' within the vicinity of the site including the disused Northern Railway line to the north, and Nottingham Canal to the west.
- 2.7 Ilkeston Railway Station is located 900 metres to the south and there are bus stops are Awsworth Lane/The Lane which access the number 27 service to Ilkeston, the station and Kimberley.

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 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- 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 £227,102 to provide additional healthcare services and meet the increased demand attributed to the proposal.
- 5.2 **Severn Trent Water** – comments regarding formal approvals required from them for foul and surface water connections. Notes that a sewer modelling study may be required to assess the capacity in the catchment and suggests an informative relating to a public sewer located within the site.
- 5.3 **Sustrans and Railway Paths** - request a contribution of £889,786 towards the Bennerley Viaduct Project. £289,786 for the existing project which includes repair and restoration works, construction of a western access ramp and decked surface and £600,000 for the construction of an eastern ramp which would enable multi-users to access the whole viaduct and link into paths beyond.
- 5.4 **Nottingham West CCG** – request a contribution of £135,468.75 to enhance capacity and infrastructure at Giltbrook and Cotmanhay surgery's.
- 5.5 **Nottinghamshire Wildlife Trust (NWT)** – satisfied with the reports and recommends that the advice contained within these is secured by means of conditions to achieve a Construction Environmental Management Plan and Biodiversity Enhancement Plan.

- 5.6 **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.
- 5.7 **The Coal Authority** – (20.2.20) Recommends that an in-depth assessment of the coal mining risks associated with the site is carried out to enable the applicant to demonstrate to the LPA that the site is safe, stable and suitable for development. They therefore suggest conditions relating to these investigations and the implementation of mitigation measures.
(4.5.20) raises no objections subject to imposition of conditions which they have slightly amended to reflect additional information provided.
- 5.8 **Cadent Gas** – there are apparatus within the vicinity of the site which may be affected by the proposals. The developer should contact Cadent before any works are carried out.
- 5.9 **Nottinghamshire Police (Designing Out Crime Officer)** – There are occurrences of anti-social behaviour and nuisance motorcyclists within the area, would welcome the opportunity to discuss possible traffic calming and the design of cycle and pedestrian paths through the site. Would welcome the opportunity to discuss safety and security features, for example cycle storage. Notes the use of natural screening through hedgerows but makes suggestions as to possible maximum heights to increase natural surveillance.
- 5.10 **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 secondary education (£955,000 – 40 places x £23,875) within Eastwood and Kimberley schools (sufficient capacity to accommodate primary places) £200,000 for bus services, £52,000 for bus stop improvements and installations and £12,500 for bus taster tickets.
- 5.11 **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.
- 5.12 **County Council Highways (including Rights of Way Officer)** – Rights of Way team have no objections to the proposals. They would encourage paths that link into the existing network and would require information regarding adoption, maintenance, surfacing and how unauthorised users will be stopped to be submitted.
Highways (12.3.20) Willing to relax position of no access' onto A or B roads where speed limit is in excess of 40 mph due to it serving a large number of units from a single access. Notes that secondary access from Newtons Lane is sufficient to accommodate a public transport route through the site. Requests a public transport access strategy at reserved matters stage to deal with this. Comments that internal and external access links will need to be well connected to minimise distances to facilities and that pedestrian footpath works at Newtons Lane will help integrate trips to Ilkeston Train Station. All private shared drives should serve no more than 5 dwellings and all shared drives should be designed to adoptable standards. Where located off the main spine road they will need to have turning facilities.

Comments on parking provision for the site and garage dimensions. Satisfied with modelling of junction but raises a number of issues that need addressing including double height signals on road approaches, location of friction surfacing, reverse stagger on Toucan Crossing, details relating to the southbound merge and installation of refuge between northbound ahead lane and right turn. Comments that a Road Safety Audit also identified additional items to be addressed in respect of visibility and other matters particularly at the footpath between Shilo Way and Park Hill. Notes that the Transport Assessment recognises capacity issues and that the Highways Authority has commissioned a comprehensive improvement scheme to mitigate this. Requests a financial contribution of £258,000 towards this given the proposals impact. Makes minor points in relation to the Travel Plan.

Highways (15.6.20) Concerns raised regarding the alignment of the footway on the east side of Shilo Way, the potential loss of trees and pedestrian visibility in this area due to the splays cutting across the embankment and any implications for these works on the existing footpath from Park Hill. Asks for further details to demonstrate how the pedestrian visibility splay will be provided, the impact the proposal will have along the footpath/embankment, and what effect will this have on the aforementioned trees. Raises concern for visibility of drivers existing the side road at Naptha Boarding Kennels with the splays crossing the nearside splitter island at the signals, and because of the curvature of the road results in drivers only being able to see the left hand side of approaching vehicles. Comments that the carriageway will need to be widened so that the island no longer restricts the view of oncoming traffic. Raises similar visibility concerns for drivers entering the side road from the A6096 and requests further details to show how this situation will be resolved. Requests remain for a contribution of £258,000 for off-site mitigation works to improve the Giltbrook interchange.

Highways (8.10.20) No objections subject to S.106 contributions of £258,000 towards future infrastructure improvements at Giltbrook Interchange to mitigate the impact of development traffic on the network and conditions relating to replanting of highways trees, details of roads, hard-surfacing, construction method statement and pedestrian connections

- 5.13 **Council's Conservation Advisor** – The site is within 1km of 4 Listed Buildings, but notes that there will be no direct harm to any of these, nor will it affect the setting or character of 3 of these. There is some potential impact on the setting of the Grade II* Bennerley Viaduct, however it is not considered that this would be significant. Links from the site to the viaduct and beyond will be an important part of its interpretation, enjoyment and maintenance. Notes that the existing land use makes it difficult to interpret previous uses or the route of the railway but that there may be potential to make some indication of former activity.
- 5.14 **Council's Environmental Health Officer** – No objections subject to conditions relating to contaminated land, noise and construction noise and disturbance.
- 5.15 **Council's Waste and Recycling Officer** – No objections raised. Makes comments about the number and size of bins and location of collections points in relation to adoptable roads.
- 5.16 **Council's Parks & Green Spaces Manager** – no objections to the principle of the scheme. As shown on the indicative plan would like to see the play area in a central location away from the road. It would need to be a Local Equipped Area for Play

(LEAP) for ages 2-14 with fencing, surfacing and self-closing gates. Comments regarding the open space adjacent the main roads, the tree lined avenues and the need to ensure the footpath links are appropriate as they provide access to Green Infrastructure Corridors and the Erewash Valley Trail. If the site is to be transferred to the Council he requires a full maintenance commuted sum of £159, 680 (£638.72 x 250).

5.17 **Council's Housing Services & Strategy Manager** - very high demand for housing in the Awsworth area. Greatest demand is for 2 bedroom, then 3 bedroom housing with the highest need being for 1 bedroom housing. We currently have very little accommodation in this wider area and very low turnover. Requests that the mix includes 10 x 1 bed units, 35 x 2 bed (with own front door) and 30 x 3 bed houses.

5.18 **Cossall Neighbourhood Plan Steering Group** – object to the proposals for a number of reasons which can be summarised as follows:

- Concern at increase and impact of traffic. Secondary access should only be for pedestrians and cyclists not vehicles and would support this. Newtons Lane has reached its capacity for vehicle traffic
- Concern for safety of cyclists, pedestrian and horse riders using Newtons Lane
- Increase in traffic will result in increase of air pollution
- Difficult and unsafe to exit Newtons Lane at times due to parked vehicles restricting visibility, number of users at this junction with The Lane and the proximity of the school and associated parking.
- Traffic will increase on all major roads through Cossall and Awsworth.
- 2 reports (OPUN Design East Midlands report 2016 and ADC Infrastructure Limited 2019) consider access through existing residential areas to be undesirable as they already serve large residential developments and further intensification would increase safety and capacity concerns.
- Lack of consultation with residents by the Council
- What measures are in place to ensure the majority of vehicles use the Shilo Way entrance/exit?

5.19 **Awsworth Parish Council and Awsworth Neighbourhood Plan Steering Group** – make a number of comments which can be summarised as follows:

- Acknowledge public consultation events but had hoped for closer engagement as the scheme was worked through. Hopeful that this might be possible at the detailed design stage.
- Council should have full regard to the Neighbourhood Plan due to it being well-advanced. Key requirements should be established even at outline stage.
- Supports the provision of homes on the site and a masterplan approach to ensure that a high quality well connected new development is achieved.
- There should be a mix of house types and sizes, all homes should meet Building for Life 12, should not impact on neighbouring amenity and should be no more than 2/3 storeys in height (using the roof space)
- Welcome opportunities to link the site to Bennerley Viaduct and contributions to support this should be sought.
- There should be no access from Park Hill or Barlow Drive North
- There should be traffic calming measures within the site to deter rat running and along the A6096, Newtons Lane and other local roads affected.

- The proposal should incorporate adequate measures to mitigate adverse effects caused by additional traffic through Awsworth and along the A6096
- Traffic implications appear to be significantly underestimated and exiting flows should be monitored again and once the development is completed.
- Construction traffic should be via the A6096 only.
- Supports the retention of existing tree belts and hedgerow boundaries where possible and creation of biodiversity habitats.
- Supports the areas of open space and childrens play areas.
- Supports the areas laid out in the Planning Statement which would need contributions towards improvement or provision but is concerned that no specifics are mentioned. Contributions are required for sustainable transport, health facilities, libraries, education, walking and cycling facilities, improving connectivity to Bennerley Viaduct and the resurfacing of the village hall car parks as these provide safe parking for the school.
- Do not consider that the site is conveniently located in respect of local facilities or public transport and would support a scheme which contributes to and allows for a local bus route through the site.

5.20 136 properties either adjoining or opposite the site and addresses along Newtons Lane were consulted and 5 site notices were displayed. 63 responses were received and one petition containing 140 signatures. Of these responses 47 objected or raised concerns, 9 made observations, 6 commented but didn't state whether they objected to the development, 1 was in support of the proposals and the petition objected to the development. All comments received can be summarised as follows:

Traffic/Access/Transport

- Should be greater number of access points to A6096 not Newtons Lane.
- Newtons Lane should be a pedestrian, cycle and bus route only from/to the development.
- Should be traffic calming measures on all surrounding local roads.
- New access from A6096 should be controlled by traffic lights not Toucan Crossing.
- Increased traffic and congestion on roads which are already heavily congested.
- Creation of a rat run
- Should not open up access onto the bypass from Newtons Lane
- Traffic/congestion will increase through the village to its detriment and increase pollution by car fumes close to schools.
- Should be no access from Barlow Drive North.
- Should be an access from Barlow Drive North or Park Hill, for emergency vehicles at least
- Access points and crossing arrangement onto and over the A6096 are not safe and do not show how they will link in with the wider network
- Supports plans for footpaths and cycle routes.
- Transport Assessment states access from Newtons Lane or Park Hill should not be encouraged as they already serve large developments and would create capacity and safety concerns.
- Access onto A6096 better controlled by a roundabout due to speed of and amount of vehicles.
- Concerns over access and response time for emergency vehicles.

- On-street parking on Newtons Lane would restrict the two-way flow of traffic.
- Limited street lighting on Newtons Lane would raise safety concerns between users (cars, pedestrians, cyclists, horse riders)
- Bollards should be placed after the existing last property on Newtons Lane. Access from the A6096 should then be opened up at this point rather than directly people through Awsworth.
- Traffic already difficult, will be untenable.
- Traffic co-ordinator an ineffective solution to a heavy increase in traffic.
- Access from Newtons Lane onto The Lane already dangerous due to parked vehicles and reduced visibility. Directing more vehicles this way will exacerbate issue resulting in increased accidents, concerned for crossing pedestrians particularly school children
- Minimal public transport in the area
- Transport Assessment doesn't consider increase of traffic on Newtons Lane
- Site traffic should be from A6096 only
- Transport Assessment doesn't take other planned development into account

Ecology/Flood risk/Pollution

- Hedgerows should be retained they are full of wildlife
- Toads, newts and other wildlife would be lost, there had to be toad tunnels through A6096 when that was built this will affect them further
- Marshland and was recently flooded
- Contamination from the sewerage plant
- Increased noise, smell disturbance and dust
- Increases in waste disposal, littering and fly tipping

Internal layout/Amenity/House types

- Insufficient detail regarding car parking.
- Lack of detail about design and appearance of properties
- Loss of privacy, daylight and sense of enclosure
- Should be single storey dwellings only
- Play area would become an anti-social hotspot
- Aging population should be reflected in house types – bungalows and flats
- Should have EVC points at each property
- Different land levels across the site and between the site and existing properties
- Will impact on security
- Proposed dwellings too close to existing
- Should include a community centre rather than affordable housing
- Affordable housing needs to be for 1st time buyers or for those who cant afford to buy

Principle concerns

- Site was Green Belt, questions why it has been removed.
- Disruption to existing services
- Better sites for housing in Awsworth
- Housing should be located closer to city and industry
- Empty shops/houses should be utilised before building more

- Housing too dense/development too large
- Loss of view/openness

Other

- Existing residents on Newtons Lane and Barlow Drive North should be compensated
- Devalue existing properties
- Health related problems due to congestion (asthma)
- More crime and police already too stretched to deal with this
- No economic benefits for the existing residents
- Need improvements/additional capacity at local schools
- Concerns of 'type' of residents that will buy properties
- So few employment opportunities in the area, everyone will commute
- Subsidence
- Damage to local roads
- Lack of facilities in Awsworth
- White House Farm is a Heritage Asset
- Information not easily accessible

5.21 Re-consultations were undertaken on the amended highways information and viability position and an additional 7 responses were received. 6 of these objected and one raised observations. None of the responses received raised any additional points to those summarised at point 5.20.

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, land stability, pollution including air quality 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 4.1 of the P2LP identifies the site and a key requirement of this policy is the provision of 250 homes. The application seeks outline planning permission for upto 250 dwellings, with all matters reserved at this stage except for access.



Extract taken from P2LP, Policy 4.1 and illustrative masterplan submitted with application

6.2.3 The principle of the development is therefore considered to be acceptable subject to consideration of the matters below given that it has been assessed as acceptable for housing through the adoption of the Part 2 Local Plan and will be vital in providing the required number of homes to meet the Council's 5-year housing land supply.

6.3 Flood risk

6.3.1 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. As such the site is not considered to be at risk of flooding from fluvial sources. 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 According to the FRA, there are some isolated areas at low risk of surface water flooding centrally and within the south of the site which are believed to be due to its topography. Within the north of the site there is a localised area along the north western boundary which is at high risk of surface water flooding and the authors of the FRA note that this is evidently due to topography, where overland flows drain to this flat area. Whilst the Environment Agency have no record of ground water flooding the Greater Nottingham SFRA GIS mapping system shows the area as

being greater than 25% but less than 50% at risk from ground water flooding. However, initial site investigations found no shallow ground water with further investigations finding it in isolated locations which were considered to be perched.

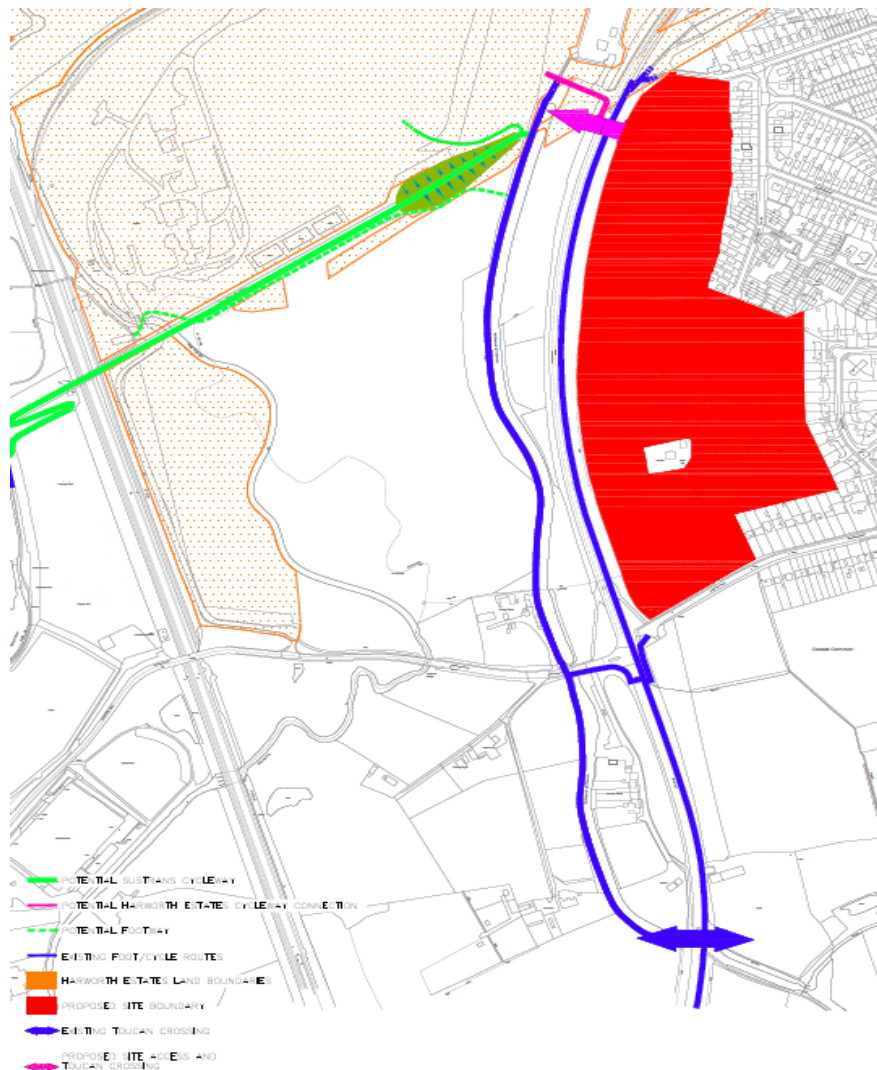
- 6.3.3 As the site is greenfield, drainage of the site will have to mimic the greenfield run-off rates. The surface water drainage system will be designed to accommodate a 1 in 30 year rainfall event and a 1 in 100 year plus climate change storm event (40%) on site. Infiltration testing has demonstrated that the feasibility of this is isolated and should not be used as a primary means of disposal. A ditch which borders the site is outside the red line and direct connection is therefore not an option. Connections to the existing surface water drainage sewers are therefore proposed with appropriate attenuation so that post development flooding does not occur within the site and risk is reduced to adjacent properties. Online balancing ponds are proposed with by-pass sewers to ensure the surface water system (excluding the ponds) are adoptable by Severn Trent Water. There is a separate application process for this which the applicants will need to go through with Severn Trent Water. The exact volume of attenuation required will need to be assessed once the final layout is submitted for consideration to ensure all the impermeable areas which need to be drained have been calculated. To deal with overland flows from Park Hill during extreme rainfall events a cut off drain to the northern boundary routed to the western boundary is recommended. Other cut off drains may be required at the detailed design stage.
- 6.3.4 SUDs have been considered as part of the overall drainage strategy for the site and these should be designed so as to ensure that the water quality is clean so as to prevent the spread of pollutants. Further consideration of the exact combination and design of measures required will be considered as part of the reserved matters application for the site.
- 6.3.5 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.

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 services within 500m (desirable walking distance) and when increased to the maximum walking distance identified of 2km these services and facilities are expanded to reach education, health, employment and retail facilities together with Ilkeston train station which forms part of the northern line with an hourly service to Leeds via Sheffield Monday-Saturday. A bus stop for the number 27 bus is 770m from the centre of the site on Awsworth Lane and runs half hourly between approximately 6am and 7pm Monday-Saturday.

- 6.4.3 There are also a number of cycle routes within the vicinity of the site which provide access to Ilkeston and Awsorth centres and Giltbrook retail park.
- 6.4.4 The report identifies the additional trips by pedestrians, cyclists and public transport users which will arise from the development and notes with the existing infrastructure and that proposed namely:
- the shared footway/cycleways at the site access;
 - the segregated access along the A6096;
 - the new toucan crossing across the A6096; and
 - internal pedestrian connections to Park Hill and Barlow Drive North.

There would be available capacity to accommodate the additional trips. The provision of the additional infrastructure, together with its design could be secured by way of condition.

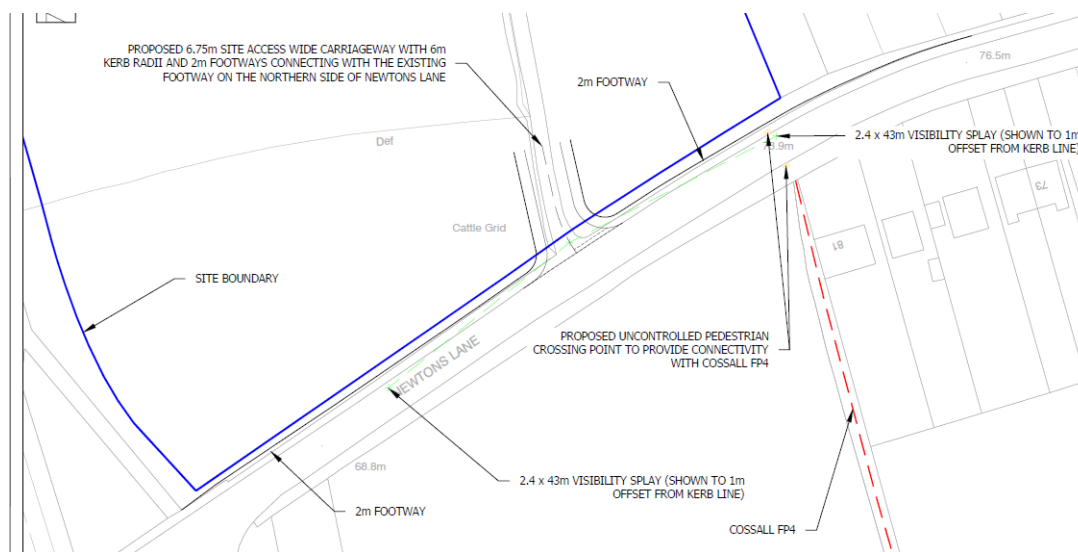


Schematic plan showing existing and proposed cycle and pedestrian links

- 6.4.5 Using data sets to establish the likely distribution pattern of trips to work the report identifies the expected two-way vehicular traffic movement in a peak hour and examines the impact of this on the proposed primary access from the A6096 (for trips outside of the Broxtowe 016 area) and on both the primary and secondary access for more local journeys to Kimberley and Trowell (areas within the Broxtowe 016 area) on 5 existing off-site junctions identified as well as the primary

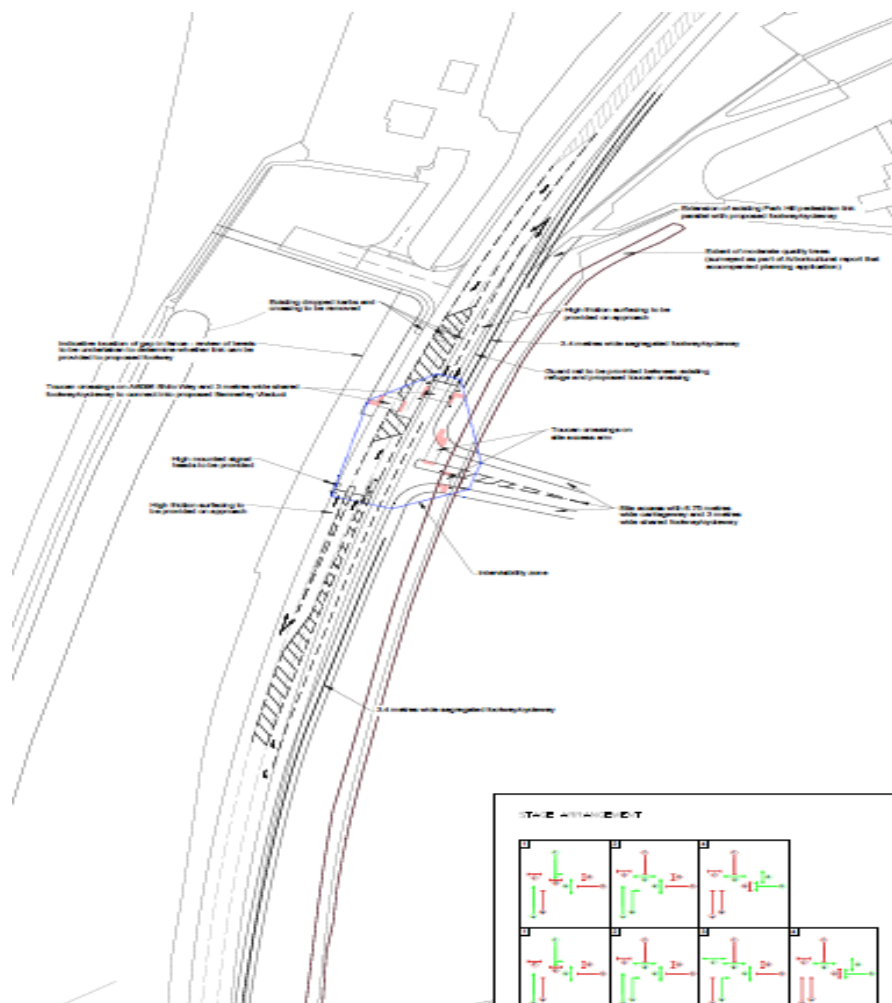
site access. It concludes that 2 junctions would still operate with existing capacity (proposed site access and Coronation Road/Church Lane/Awsworth Road), 2 junctions have existing capacity issues which the proposal would not have a severe impact on (Shilo Way/Newtons Lane and Shilo Way/Coronation Road/Millership Way) and with mitigation the remaining 2 junctions (Gin Close Way/A610/B6010 and A6090/Gin Close Way) would result in a significant improvement in performance on existing levels.

- 6.4.6 The report acknowledges that local traffic (that within the Broxtowe 016 area) would more than likely use the secondary access, but that the primary access would be used for most other trips. The Highways Authority raise no objections to the overall traffic movement from the site and agree with all the data sets and online mapping tools used to calculate traffic flows.



Proposed secondary access

- 6.4.7 The County Council has commissioned a comprehensive improvement scheme at the A6096/A610/B6010 Shilo Way/Gin Close Way roundabout due to the existing capacity issues which the Transport Assessment identifies. They have therefore requested that rather than the developer being required to undertake the mitigation works identified within the assessment a contribution of £258,000 towards the off-site improvement works identified in the improvement scheme would enable the Highways Authority to deliver this in its entirety. The requirement for this contribution should be secured as part of the S106 and with this in place it is considered the impact of the development on this junction is not so severe as to warrant refusal of permission.
- 6.4.8 Detailed permission is sought for the access points into the site; these are proposed to be from Shilo Way (A6096) (primary access) and Newtons Lane (secondary access). The access onto the A6096 would consist of a traffic signal controlled T-junction with crossing points both across the junction and linking up to the public rights of way to the west of Shilo Way. A secondary access to the south of the site would be provided onto Newtons Lane with a priority controlled T-junction. Two access points provide the opportunity for a central spine road to be created which could be used by public transport and help to further link the new development to the village of Awsworth and beyond, should bus service providers consider this to be a viable option in the future.



Primary access from the site to the A6096

- 6.4.9 A number of amendments have been made to the detailed design of the access from the A6096 following comments received from the County Council, as highway authority. These include high mounted traffic signals, extensions to existing pedestrian links, road surfacing and road markings. The County Council, as highway authority, has no objection to the application subject to conditions, including details of the internal layout of the site to ensure that there is sufficient visibility, parking, appropriate surfacing etc, the requirement for replacement trees for the highway trees removed and the submission of a 'Construction Method Statement' which will cover details such as parking of construction traffic and wheel washing facilities.
- 6.4.10 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.
- 6.4.11 In conclusion on highway matters, it is considered that there are no significant highway issues which would warrant refusal of the application in accordance with the NPPF, subject to conditions relating to matters detailed above

6.5 Ecology

- 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.
- 6.5.2 Three Green Infrastructure Corridors identified within the Council's Green Infrastructure Strategy (2015-2030) run close to the site, with the closest being the Nottingham Canal Secondary Green Infrastructure Corridor (2.9), which lies to the west of the site on the opposite side of the A6096 and follows the route of the Nottingham Canal. This strategy document identifies existing assets to protect near this site including the Public Rights of Way links and identifies opportunities for change and enhancement including links to the canal towpath and using Bennerley Viaduct to connect Awsworth and Ilkeston.
- 6.5.3 There are no sites of international importance within 5km of the site and whilst there are 4 statutory sites and 21 non-statutory sites within 2km of the site, due to the absence of any such sites being located within the development site itself and the position of the site with clear defensible boundaries none of these sites lie immediately adjacent the proposed development. As such it is not considered that the development will have any significant impacts on these sites.
- 6.5.4 An 'Extended Phase I Habitat Survey' was submitted with the application. The field study's which inform this document found records of breeding and foraging bats, nesting and breeding birds and a small number of common toads. Local BAP priority habitats including hedgerows and farmland (semi-improved grassland/silage) are contained within the site. The site is made up of semi-improved grassland, marshy grassland, hedgerows, dense scrub and the access, hardstanding and buildings associated with White House Farm.
- 6.5.5 Reptile, breeding bird, amphibian and bat surveys were also submitted in support of the application. No reptiles were recorded within the site. The Amphibian report found no evidence of use by Great Crested Newts, however common toads were found within the site and smooth newts and common frogs within the wider area. Common toads are a UK BAP protected species and therefore are protected from intentional killing, sale and trade but not from development leading to loss of habitat. It is considered that the creation of attenuation basins within bands of soft landscaping will continue to provide appropriate habitat for amphibians and small mammals to move along.
- 6.5.6 The bat survey found no bat roasts located within the site but did record evidence of use by foraging and commuting bats with most activity within the centre and east of the site. The survey notes that mitigation and enhancement would include the installation of a sympathetic lighting scheme to avoid unnecessary illumination of woodlands and hedgerows and the introduction of tree avenues, water basins and bat boxes.
- 6.5.7 The breeding bird survey found no evidence of protected species within the site but did confirm one breeding pair (Dunnock) of conservation interest and a further

9 pairs of probable breeders of conservation interest (5 different species). A further 5 pairs of possible breeders and a further 6 non-breeders of conservation interest were also found to use the site.

- 6.5.8 This report recommends that hedgerows and woodland and peripheral planting is retained and that nesting facilities are incorporated into the fabric of new builds and that vegetation clearance is carried out outside of the breeding season. Two protected species were recorded in the wintering birds report (Redwing and Fieldfare), however these are both protected due to their rare breeding rather than winter status and none were recorded breeding within the site. Eleven birds of conservation interest were also recorded within the site, however it is considered that the proposals will have limited impact on wintering birds if hedgerows, trees and scrub are retained and enhanced in line with the illustrative masterplan, which can be controlled by way of a condition.
- 6.5.9 Nottinghamshire Wildlife Trust have reviewed the application and submitted reports and strongly agree with the advice contained within 7.5 to 7.21 of the Phase I report which they are of the view could be secured through appropriately worded conditions.
- 6.5.10 No independent surveys are considered to be required for wildlife or biodiversity net gain as the application has been reviewed by NWT who have commented on the proposals and the submitted reports. 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. Landscaping proposals for the site together with the design of the proposed SUDs features can be secured by condition to ensure that biodiversity is fully considered at the reserved matters stage.
- 6.5.11 In relation to representations in respect of the loss of habitats and impact on protected species. 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 requiring a Construction Environmental Management Plan and Biodiversity Enhancement Plan which identifies the measures to be out in place have no objections.
- 6.5.12 To conclude, the proposed development is considered to cause no significant harm to wildlife subject to mitigation works which will be secured with conditions. Due to the age of the reports and the fact that further permissions will need to be sought which will delay the commencement of the development it is also considered appropriate to condition that more up to date reports are submitted with any reserved matters application.

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. The site lies within the Babbington Rolling Farmlands (NC02) character area as identified within the Greater Nottingham Landscape Character Assessment (GNLCA) and adjacent NC01 Erewash River Corridor. A Landscape and Visual Impact 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.

- 6.6.2 The report identifies that despite the significant changes in level across the site the overall landform is relatively low in comparison to the rolling hills of the surrounding landscape. The wider landscape is characterised by a valley associated with the River Erewash to the west. The site is greenfield, divided into enclosures by hedgerows and part of the site is overgrown with scrubland. In the wider landscape the settlement of Awsworth and associated residential and commercial properties are located to the immediate east. There are also recreational grounds and beyond the settlement boundaries agriculture. Bennerley Viaduct lies to the west and beyond this to the north is the now demolished British Coal distribution yard. There are also clusters of industrial units, the railway station, a sewerage treatment plant and Giltbrook Retail Park. The wider landscape is characterised by agricultural areas divided by low-cut hedgerows and hedgerow trees. There are also more densely vegetated boundaries south of Babington. There is currently no public right of access through the site with the current public right of way (PROW) network adjacent to the site connecting Awsworth to the surrounding settlements and agricultural land. The extent of views from all PROW surrounding the site is variable and dependant on the surrounding vegetation.
- 6.6.3 The condition of both LCA's are considered to be 'moderate' with a 'strong' strength of character. Key actions for both are therefore to conserve and enhance and specifically within NC02 this includes the historic woodland, enhancing field patterns by replacing and conserving hedgerows, conserving areas of old enclosure, improving screening of the M1 and protecting the rural character of areas by minimising the effects of urban expansion by planting on urban boundaries. Bennerley Viaduct is a key feature of industrial heritage to be conserved within area NC01. Whilst the management of woodlands are advocated to prevent obscuring long views across the valley, planting to screen urban developments is also promoted to soften the impact on the valley setting.
- 6.6.4 At a more localised level whilst the site contains some of the features identified in the GNLCA including undulating landform, predominately medium sized and smaller fields, fields and roads bounded by hedgerows, the presence of Bennerley Viaduct and evidence of historical landuses the site is largely both physically and visually contained by vegetation and built form (the A6096 and the settlement of Awsworth) so that views are restricted to localised and short views and long distance views are filtered by intervening vegetation and structures.
- 6.6.5 The report identifies temporary (during construction) impacts and long term impacts of development and identifies constraints as being the existing vegetation which will need to be retained where possible, the rising landform making buildings more prominent, although these will be set against the existing residential development within Awsworth, the weaker vegetation on the eastern and southern boundaries and the Grade II* listed viaduct. It also identifies opportunities as being located immediately adjacent the built settlement, providing opportunities for public open space and connections to the Nottingham canal,

opportunity to reinforce the green link along the northern boundary of the site, and enhance existing green infrastructure and retain hedgerows, utilise existing PROW and create pedestrian access from the south of the site to Shilo Way.

- 6.6.6 In conclusion there will be a limited visual impact on the wider landscape character as a result of the development. At a more localised level there will also 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, as is the case with all proposals which introduce built form. However, this is considered to be balanced against the improved quality, amenity and accessibility which the development could provide with the replacement of vegetation removed, new green infrastructure and open space and opportunities for a new high quality native landscape scheme which will be used to mitigate against this change in landform and create an appropriate transition between the development and the relatively rural landform to the west.

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 it respects the asset's 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 There are no designated heritage assets within the application site itself, however there are 4 within 2km of the site boundary including Bennerley Viaduct, Awsorth Infant School, Walls, railings and playground at the school and the War Memorial. These have all been designated under national criteria and therefore their heritage value is high, with Bennerley Viaduct being a Grade II* asset and therefore having the highest value.
- 6.7.3 The application site is within 200m of the Grade II* Listed Bennerley Viaduct which has historical and architectural value at a national level, being one of only two surviving wrought iron viaducts in the country. Its immediate setting is the Erewash Valley and associated trainline and the former Bennerley colliery with which it would have had an association and from where it is most readily visible. There will be some impact on its setting, as views of the viaduct are possible from within the site, however due to the surrounding topography, the intervening distance and land use, it is not considered that this would be significant.
- 6.7.4 However, whilst there will be a minimal impact on its setting it is considered that the formation of links from the site to the viaduct and beyond will be an important part of its interpretation, enjoyment and maintenance. As such it is considered that funding should be secured through Section 106 contributions to assist in this maintenance and ensure that the proposal contributes to its conservation and enhancement by opening up the asset to users.

- 6.7.5 The other designated assets are considered to gain value from their settings as groups, the war memorial with the non-designated church and the school with its associated railings, wall and playground has a setting within the village streetscene. It considered that the development site does not have an impact on any of these assets.
- 6.7.6 The Heritage Statement submitted with the application identifies a number of non-designated heritage assets within the site including hedgerows on the alignment of the Tithe map field pattern, those associated with the former quarry and coal mining and White House Farm and outbuildings. Whilst the proposal in only in outline form it is shown on the indicative plan that a number of the hedgerows, where possible will be retained within the development. In respect of the other assets it is considered that their heritage value is low and will be completely removed. The Councils Conservation Advisor notes that the existing land use makes it difficult to interpret previous uses or the route of the railway but that there may be some potential to make some indication of former activity within the detailed scheme. It is considered that a programme of archaeological works is secured by condition to ensure that recording of White House Farm prior to demolition and any archaeological remains encountered or hedgerows removed are made.
- 6.7.7 In conclusion in regard to heritage it is considered that the proposal will not result in any substantial harm to the designated assets within 2km of the application site. Whilst the proposal will result in the loss of some non-designated heritage assets it is considered that these are of low heritage value and where possible will be either retained, or recorded.
- 6.8 **Pollution/land stability/air quality**
- 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 Noise Assessment, Flood Risk Assessment and Drainage strategy, Phase I Geotechnical Desk Study and Phase II Assessment and a Coal Mining Risk Assessment (CMRA) 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 CMRA identifies a number of key coal mining features within the site including unrecorded coal mining, mine entries, fissures and faults and open cast workings. Open cast workings within the north of the site have been excavated to a depth between 24 and 33m. The main risks associated with developments post this form of mining relate to settlement of the opencast backfill. Whilst mining ceased on site in the early 1980's there are still moderate risks of further settlement through

groundwater egress, the additional load of the proposed housing and across highwalls which are likely to exist.

- 6.8.4 The condition of the underground workings is not known, however given their age it is likely that these are in a state of collapse, however due to the depth of these workings there is considered to be sufficient rockhead cover to mitigate risk. Abandonment plans for an extension of the opencast mining operation show old workings particularly within the centre and north of the site at depths between 5 and 13 metres. It is unlikely that there would be sufficient rockhead cover to mitigate risk. 13 mine shafts were also located on or within 20 metres of the site and it is likely that there will be unrecorded workings associated with these. Three of these are within the extent of the opencast workings and likely to have been removed. Three are shown to the south of the site, however given the accuracy of the plans could be within the site boundary. There are no records of the treatment of any of the 13 identified mineshafts and it is therefore assumed that these are still present. They present a constraint to the development as the risk from subsidence is high. Typically, a no-build zone is recommended around mine shafts, although this is influenced by a number of factors.
- 6.8.5 The Coal Authority have recorded no instances of mine gas emissions requiring action within the site. However, it is possible that the mine shafts could present opportunities for migrating gasses if not appropriately treated. A phase II report was submitted in response to comments received by the Coal Authority. This report considers the historical legacy of coal mining and potential land contamination, both present within the site and from nearby sources including local landfill and the discussed canal and is also based on intrusive site investigatory works undertaken in spring and autumn 2019. The report identifies a number of matters including that;
- none of the soil samples contain asbestos or excessive chemical concentrations such that remedial measures are not required;
 - The site can be split into two zones, one of which would require gas prevention measures being installed within properties and the other would not. It considers further monitoring is required;
 - 6 areas of shallow coal workings which pose a risk to development. Further rotary drilling investigations are required to confirm appropriate mitigation requirements;
 - 9 mine shafts are located on the site with no treatment records. Investigations only found 2 of these, but did find evidence of 7 potential mine entries. There is potential for further unrecorded mining features within the site. Further investigations are required to identify all features and mitigation measures/treatments;
 - Two types of foundations should be used depending on locations within the site, traditional strip and trench and driven piles (within the former opencast areas);
 - Further testing be carried out for buried concrete; and
 - 1m thickness of non-combustable capping be placed within the gardens and soft landscaped areas to mitigate against risk of combustion.
- The report also makes recommendations for further intrusive works to be undertaken to inform any necessary mitigation measures.
- 6.8.6 The Coal Authority have reviewed the information received and consider that further assessments of the coal mining risks associated with the site should be carried out to fully demonstrate that the site is safe, stable and suitable for

development. They raise no objections subject to conditions relating to these investigations and the implementation of any associated mitigation measures.

- 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 As the application is for outline development only no information has been submitted in respect of the number or position of EVC, however it is considered that this could be secured by condition. The masterplan has also demonstrated that the site can be served by a link road that could be utilised by a bus service. Connecting footpaths and cycleways through the development from/to Awsworth, Giltbrook and Ilkeston will also help to improve future occupant's choice of travel modes and conditions can be secured to control the provision of such.
- 6.8.10 Residents have raised concern with the increase in air pollution as a result of the development and specifically the impact of this on the school and the children who attend. Advice sought from the Council's Environmental Health Officer is that whilst vehicular traffic will increase as a result of the development, the site is not within an Air Quality Management Area (AQMA) and the main entrance and exit to the new development is onto the by-pass therefore the effect on the air quality at the school would be negligible. The air quality within Awsworth is below the Air Quality Objective of $40\mu\text{g}/\text{m}^3$ with the annual average being measured to be $24 - 26\mu\text{g}/\text{m}^3$ and the first building on the school site that is closest to The Lane, which runs through Awsworth is 10.2 metres away. It is therefore considered that the proposal would not have any significant impact on air quality surrounding the site.
- 6.8.11 In conclusion, it is considered that 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 **Neighbourhood Plan**
- 6.9.1 Awsworth Neighbourhood Plan has been submitted for Examination and the Council are now in receipt of the Independent Examiner's Report. It is expected that a report will be taken to Jobs and Economy Committee to seek Members approval to go to a referendum. However, whilst the Neighbourhood Plan is a material consideration, until the Inspector has provided a final report and the plan is adopted through a referendum it does not carry any significant weight in the determination of the application.
- 6.9.2 Notwithstanding this Policy H1 of the plan relates to the application site (where it is in Awsworth) and states that dwellings should protect the amenity of existing neighbours, be of a high quality design, that the development should not result in an unacceptable impact on congestion or road and pedestrian safety and where feasible provide for the integration of adequate but sympathetically designed

traffic-calming measures, it should incorporate adequate measures to mitigate any adverse effects caused by any increase in traffic through Awsworth village and along the A6096 Shilo Way, enable bus access through the site, provide an appropriate range of community and recreational facilities including a neighbourhood shop and incorporate onsite open space and retain where possible important hedgerows and the setting of Bennerley Viaduct.

6.9.3 The design of the properties are for consideration at the reserved matters stage, however it is considered that the proposal could be developed in accordance with this part of the policy. The Highways Authority have considered the proposal and consider that a S106 contribution should be sought towards off site junction improvements to increase capacity on local roads. The detailed design of the spine road through the site will be considered as part of the reserved matters application, including any traffic calming measures required to prevent rat running. Whilst a neighbourhood shop is not proposed it is considered that the proposal could contain a number of the community and recreational facilities, such as open space and a children's play area and improvements to existing pedestrian and cycle routes could improve accessibility to existing facilities in Awsworth.

6.9.4 Accordingly it is considered that the proposal is largely in compliance with the relevant Policies contained within the Awsworth Neighbourhood Plan.

6.10 **Developer Contributions**

6.10.1 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. Paragraph 56 of the NPPF advises that only those contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.

6.10.2 There have been contribution requests in respect of education, health care (Notts west CCG and Nottingham University Hospital Trust), the Bennerley Viaduct project, off-site highway mitigation, transport and travel services (bus service and infrastructure improvements) and maintenance of public open space. These total £2,884,967

6.10.3 Policy 15 of the Part 2 Local Plan requires 30% affordable housing on the newly allocated site in Awsworth and this would equate to 75 units. The Council's Housing Services and Strategy Manager requests that the mix of this should include 10 x 1 bed units, 35 x 2 bed (with own front door) and 30 x 3 bed houses, which would match the needs and demands of the area.

6.10.4 The applicants submitted a Financial Viability Assessment for the site which demonstrates that it cannot afford to deliver the scheme with the full contributions requested. However, in recognition of the need for a compromise to bring the site forward, the applicant proposed a £1.575 million financial contribution and 10% on-site affordable housing.

6.10.5 The viability report submitted by the applicant provides information on the costs associated with the development such as the central spine road which would need to be designed to allow a bus to travel along it, other road construction costs, the junction works, significant land remediation due to the coal mining legacy across

the site, drainage, landscaping and construction costs associated with the dwellings proposed.

- 6.10.6 The Council instructed an Independent Viability Expert to review the Assessment submitted on behalf of the applicants. They reviewed the data and whilst they confirmed that the site was not viable with the requested contributions in full they considered that by reducing some of the cost assumptions made and the profit from the scheme, together with alterations to the housing mix the scheme could contribute 30% affordable housing and between £1,013,000 and £1,800,000.
- 6.10.7 A further assessment of the costs was undertaken by an appointed Quantity Surveyor (QS) to establish whether the cost assumptions of the developers were acceptable. The QS raised a number of matters in their original assessment of the scheme which would result in less site specific costs. However, on the provision of further information from the developer some of these assumptions have been revised.
- 6.10.8 Of the matters raised by the independent QS, one related to the costs associated with landscaping. In relation to this matter the Council's Parks and Green Spaces Manager has advised that the developers costs are more in line with what he would expect for the site. The developer also proposed GTS and Virgin connections. Whilst these are desirable, given the requests for contributions from other sources it not considered that these are wholly necessary expenditures.
- 6.10.9 The matter which results in the biggest difference in projected costs relates to remedial works due to the use of the site historically for coal mining activities. The Rogers Leak report estimates these costs at between £40,000 and £70,000. The developer's specialist subcontractor has suggested that the costs will be closer to the higher end of this range. The QS has advised that a fair assessment at this stage would be to take the mean average estimate cost and has based her response on this.
- 6.10.10 The construction and sale costs for the site have been based on 250 units, 75 of these being affordable units (30 social rent, 23 affordable rent and 22 intermediate housing), with the market housing split being 9x1 bed, 52 x 2 bed, 79 x 3 bed and 35 x 4 bed. These assumptions provide a mix of housing and tenures across the site and the illustrative masterplan submitted with the application demonstrates how these types and numbers of properties could be accommodated.
- 6.10.11 The independent financial assessor has drawn on his own evidence of construction costs and sales values and his final report has regard to these together with the evidence provided by the developer's viability team.
- 6.10.12 The final viability report from the appointed assessor which combines the work of the QS states that the main difference between his and the developer's viability reports relates to benchmark land value. However, they are of the view that the site could reasonably deliver 30% affordable housing on site and £185,000 of S106 contributions.
- 6.10.13 In sharing the work of the QS and independent financial assessor with the developers, whilst they do not agree with the output of the independent assessor

they have provided a new position of 20% affordable housing and financial contributions of £1.5m.

- 6.10.14 In reviewing the work undertaken by the independent financial assessor it would appear that this revised offer is in the region of his calculations of the project. This also takes into account the reduced costs the QS assumes for the public open space works and acknowledging the unknown extent of the costs associated with the coal mining legacy of the site. The assessor has confirmed that this offer is almost identically in line with the findings of his appraisal and would recommend that this offer is accepted by the Council.
- 6.10.15 In reviewing the financial contributions sought the Council, along with other authorities in Nottinghamshire have taken the stance that contributions sought by Nottingham University Hospitals Trust are not justified, particularly (but not explicitly) in relation to allocated housing sites as these have been the subject of consultation with relevant health providers at the time of production and cannot be justified to require a developer to 'plug' a gap in funding.
- 6.10.16 Railway Paths Limited have requested a sum of £889,786 towards the Bennerley Viaduct project which aims to bring the Grade II* listed viaduct into public use for walking and cycling. The current project comprises works to open the viaduct for public access, including repair and restoration works, the construction of a western access ramp and the installation of a new decked surface on the viaduct suitable for the public use. There is a shortfall in funding for these works of £289,786. The current project doesn't include an eastern access ramp to connect the eastern end of the viaduct deck with the Public Right of Way network and with Awsworth. Construction of an eastern ramp would enable multi-user access (including cycle access) at this end of the site, whereas, to keep the costs of the current project down, steps will be installed on the eastern embankment stub to provide foot access only. They estimate the cost of the works to be £600,00 and request contributions for these works as they will be of great benefit to the new residents of the proposed housing scheme.
- 6.10.17 Key development requirements of Policy 4.1 of the P2LP, which allocates the site for housing are that the proposals should provide safe pedestrian and cycle routes towards the viaduct and that it should, where possible contribute towards its conservation or enhancement. Whilst it is clear that the new residents would greatly benefit from the increased accessibility which the works would provide and therefore enhance the enjoyment of the heritage asset. The existing residents of Awsworth, Cossall and further afield would also benefit from these works. Therefore it is not considered that the request of £600,000 towards the full costs of these works, it is justified, proportionate and fair. A reduced contribution towards the shortfall and the future works to the eastern bank would seem more equitable.
- 6.10.18 The off-site highways contribution of £258,000 is required to make the development acceptable on highways grounds, without which the highways authority would recommend that the application be refused as it would likely result in 'severe' implications to the local highway network. In view of this it is considered that this request is necessary and proportionate.

- 6.10.19 The County Council have also requested funds towards improved and new bus stops, bus taster tickets and new bus services through the development totalling £264,500 (£52,000 + £12,500 +£200,000 respectively).
- 6.10.20 Contributions of £955,000 (40 places x £23,875) towards the provision of secondary school places within Eastwood and Kimberley schools have also been requested by Nottinghamshire County Council..
- 6.10.21 Nottingham West CCG have requested a contribution of £135,468.75 to contribute towards enhanced capacity and infrastructure at Giltbrook Surgery and Cotmanhay Surgery
- 6.10.22 Financial contributions are required 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 the whole sum of money from Railway Paths Limited in respect of works at Bennerley Viaduct are not considered to meet these tests.
- 6.10.23 Whilst it is understood that the costs are based on an outline scheme and the details of which are not for consideration at this point in time, the site is allocated for up to 250 dwellings therefore the sales costs cannot be substantially increased through an increase in dwelling numbers. The mix of housing could change. However, given the developable area of the site it is unlikely to result in a significant increase in the most profitable dwellings.
- 6.10.24 It is considered that the scheme has been through a thorough and robust viability assessment and it is clear that the scheme would not be viable with the full contributions requested. Therefore, and in conclusion it is considered that the compromise position put forward by the developer should be accepted and the funds used to secure the off-site highways works with the remaining funds to be put towards the other requests which are considered reasonable. Should members consider it necessary, a clause can be added to the S106 Agreement that would require the developer to reassess the viability of the scheme at a certain fixed point in its development to ensure that its viability has not significantly improved (or reduced).

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of 250 dwellings including a number of affordable dwellings, the short term jobs created during the construction of the development and the financial contributions towards the opening up of the Bennerley Viaduct for pedestrian and cycle routes, education, open space, integrated transport and off-site highway works. 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, 3, 6, 8, 10, 11, 14, 16, 17, 18 and 19 of the Aligned Core Strategy (2014); Policies 1,13, 15, 17, 19, 20, 21, 22, 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 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 contributions towards: provision of education measures, off-site highway works, provision and maintenance of open space, integrated transport measures, improved health facilities and improvements and maintenance of links towards and over Bennerley Viaduct; and**
- (ii) the following conditions:**

1.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 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 commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The development hereby approved shall be carried out in accordance with drawing numbers ADC1044/005 revision D and drawing ADC1044/007 revision A received by the Local Planning Authority on 7 October and 29 January 2020 respectively. Occupation of the proposed development shall not take place until the site access arrangements as shown on both of these plans have been provided.</p> <p>Reason: For the avoidance of doubt and in the interest of highway safety.</p>

4	<p>Prior to the submission of any reserved matters application the intrusive site investigations identified within Section 12.8 of the Geo-Environmental Assessment dated 11 December 2019 shall be undertaken.</p> <p>The findings of these investigations shall be submitted to the Local Planning Authority with the first reserved matters application and shall include the following:</p> <ul style="list-style-type: none"> - A report containing the findings of the intrusive investigations; - The submission of a layout plan which identifies the location of the opencast highwalls and the location of the on-site mine entries (on and off-site) and the definition of suitable 'no-build' exclusion zones; - The submission of a scheme of treatment for the on-site mine entries for approval; and - The submission of a scheme of remedial works for the shallow coal workings for approval. <p>Following the written approval of the Local Planning Authority, the remedial works identified, shall be implemented in full accordance with the approved details prior to the commencement of the development.</p> <p><i>Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>Before any site clearance or development is commenced, detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) the layout, scale, and external appearance of all buildings; (b) parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, drainage and the location and detail of all Electric Vehicle Charging points. All details shall comply with the County Council's current Highway Design and Parking Guides (c) full manufacturer details of the materials to be used in the external surfaces of all buildings and including the location and colour of the external meter boxes; (d) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point; and

	<p>(e) landscaping treatment of the site</p> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 2, 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and in the Interests of Highway safety.</i></p>
6.	<p>Prior to the occupation of each dwelling their respective driveways shall be surfaced in a hard bound material (not loose gravel) for a minimum distance of 5.5m from the back edge of the public highway, and drained so as to prevent the discharge of surface water from the driveway 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>
7.	<p>Occupation of the proposed development shall not take place 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"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>Reason: In the interest of highway safety</p>

8	<p>The pedestrian connections to Park Hill and Barlow Drive North shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings hereby approved. The details shall include information relating to the status, ownership and maintenance of the connections, their width, surfacing and any lighting proposed.</p> <p>Reason: To promote sustainable travel and in accordance with Policy 4.1 of the Broxtowe Part 2 Local Plan.</p>
9	<p>The detailed drawings and particulars required under condition 5 (e) shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedgerows and shrubs to be retained and measures for their protection during the course of development. No development shall commence until the agreed protection measures are in place; (b) numbers, types, sizes and positions of proposed trees and shrubs including those to replace the highways trees removed; (c) proposed hard surfacing treatment; (d) planting, seeding/ turfing of other soft landscape areas including surrounding SUDs features; (e) details of the site boundary treatments and curtilage boundary treatments; (f) Details of all bridleway, footpaths and pathways within the site including their proposed status, maintenance, surfacing, widths and any proposed deterrents for use; and (g) a timetable for implementation of the scheme <p>The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10	<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</p>

	<p>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"> • 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. • 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. • Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA • Provide detailed design plans in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. • For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development. <p>Reason</p> <p>A detailed surface water management plan is required to ensure that the development prevents an increase in flood risk, improves and protects water quality and has sufficient surface water management in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Part 2 Local Plan.</p>
11	<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"> (i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and (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.

	<p><i>Reason: The application was submitted in outline only so no such details were provided. 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></p>
12	<p>a) Prior to works commencing on the construction of any dwellings, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by the Local Planning Authority specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <ul style="list-style-type: none"> - An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime); - An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime); - An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 (night time) - An LAmax fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time) <p>Those dwellings requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures shall be identified and agreed with the Local Planning Authority prior to construction commencing. In dwellings where windows must be closed to achieve the above levels adequate acoustic treated ventilation must be provided.</p> <p>b) All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided. 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></p>
13	<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><i>Reason: The application was submitted in outline only so no such</i></p>

	<i>details were provided. The development cannot proceed satisfactorily without such details being provided before development commences in the interests of public health and safety so as to protect occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
14	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>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></p>
15	<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"> a) Risk assessment of potentially damaging construction activities b) Identification of 'biodiversity protection zones'. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as part of a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</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>
16	<p>Prior to works commencing above foundation level a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter with photographs of the measures in situ submitted to the Local</p>

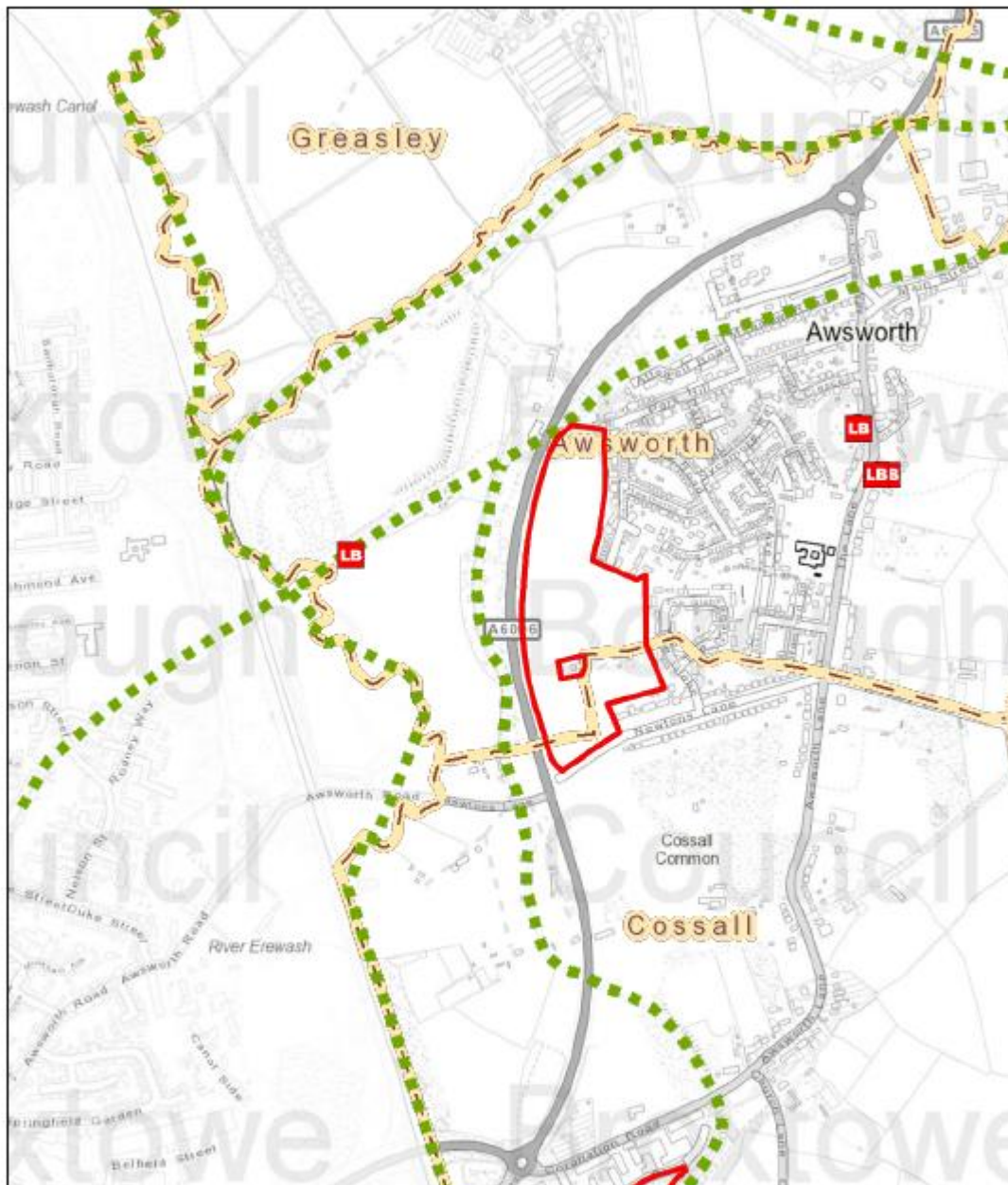
	<p>Planning Authority for confirmation. Measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> • Native wildlife planting (trees, berry rich shrubs, wildflower/grasslands) • Wildlife friendly surface water attenuation areas/wetlands/ponds • Future management of retained trees and hedges • Grassyland management (mosaic of heights) • Maintenance of 'dark habitat' areas and sympathetic lighting • Details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers) • Details of bird boxes (including swift boxes) will be clearly shown on a plan (positions/specification/numbers) • Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows) • Log/brush piles for amphibians <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>
17	<p>No development, including site clearance shall commence until updated ecological information including bat, amphibian, reptile wintering and breeding bird surveys, have been completed, 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: The surveys submitted with the application are over 3 years old. As the application is in outline form only and requires reserved matters approval it is considered necessary that more up to date information is provided prior to the commencement of the development to ensure that the impact on biodiversity including any required mitigation is satisfactory, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
18	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 9 (a) 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 and hedgerows 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>
19	<p>Prior to the demolition of White House Farm a Level 3 Building Recording, in accordance with RCHME guidance, shall be undertaken and submitted to, and approved in writing by the Local Planning Authority.</p>

	Reason: To ensure an accurate record of this building is made and in accordance Paragraph 199 of the NPPF.
20	<p>Prior to the removal of any hedgerows identified as ‘important’ under the archaeology and history criteria of the Hedgerow Regulations 1997 an archaeological recording shall be undertaken and submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure an accurate record of any important hedgerows are made and in accordance with Paragraph 199 of the NPPF.</p>
21	<p>Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local Planning authority in writing within 5 working days. Works shall be halted in the area affected until provision has been made for the retention and/or recording and any associated reporting, publication and archiving commensurate to the archaeological work undertaken in accordance with details submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure appropriate investigation and recording/mitigation of any below ground archaeology in accordance with Paragraph 199 of the NPPF.</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	The submitted plans are for indicative purposes only in relation to access and this decision does not approve the layout, form or design of any of the dwellings, landscaping or any other matters.
4	The developer will need to purchase first time bins. Notice will be served in due course. Properties will be allocated the following: 1x 240l bin for residual waste 1x 240l bin for dry recycling 1x 37l bag for glass recycling.
5	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.

	<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.</p>
6	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 of the 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.
7	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
8	Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on a building occurs. For properties or parts of properties that need upgrading, refurbishing or demolition, a 'Refurbishment/Demolition Survey is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health Team at health@broxtowe.gov.uk
9	You will need to contact the Council's Environmental Health Team on 01159173714 to notify them of the arrival on site of any Mobile Crushing plant for them to carry out an inspection of the crushing

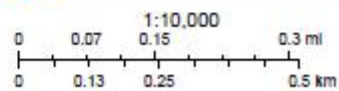
	equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended)
10	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
11	<p>Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:</p> <p>https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p>
12	<p>Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).</p>
13	<p>Searches have identified that there are gas apparatus within the vicinity of your site which may be affected by the proposals. Please contact Cadent Gas at plantprotection@cadentgas.com to discuss your proposals further. Further guidance can be found on both the Cadent Gas and National Grid websites and you are encouraged to investigate these matters prior to the commencement of development.</p>
14	<p>As part of the detailed design of the scheme, consideration should be given to the potential for providing an indication of the former activity within the site and its links with the Bennerley Viaduct.</p>

Awsorth



24/02/2021 08:29:06

- Green Infrastructure Corridor
- LB Listed Building
- Site
- Parishes



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Photographs



View down Newtons Lane, site boundary on right



Southern site boundary in a westerly direction



From south boundary towards the south-west



From south boundary towards 'The View'



West boundary towards Newtons Lane



From west boundary towards The View



View towards the west from the middle of the site



North towards Barlow Drive North



Towards properties on The Glebe



From NE towards White House Farm



East looking towards SW



Northerly view towards Park Hill

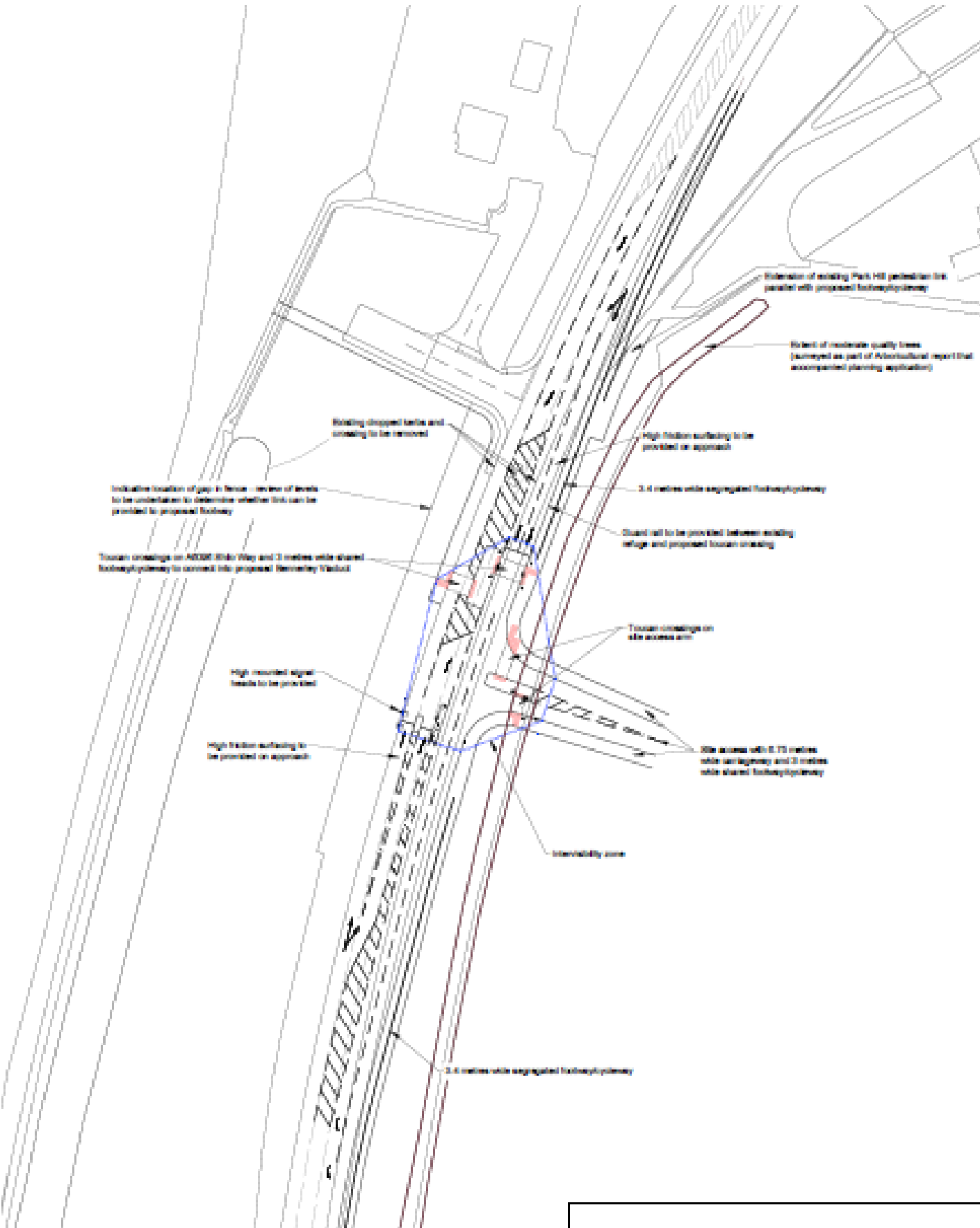


NE – SW showing bank of trees along A6096

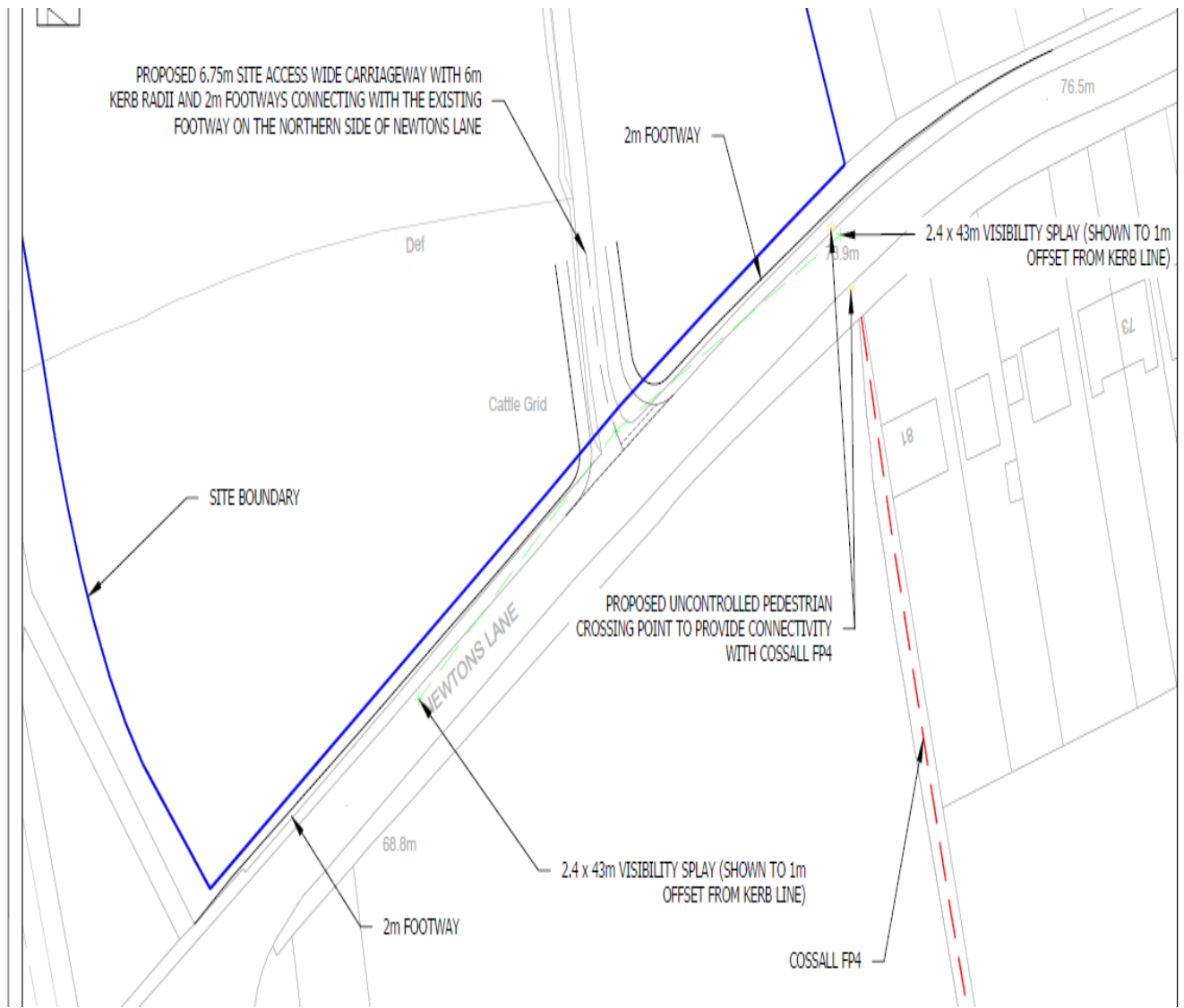


View from the A6096 of site and tree belt

Plans



Primary access



Secondary access

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Report of the Chief Executive

APPLICATION NUMBER:	20/00745/FUL
LOCATION:	Old Station Yard, Station Road, Beeston, NG9 2AB
PROPOSAL:	Construct 42 dwellings with improved access, provision of an internal access road, landscaping and associated works following the demolition of buildings

The application is brought to the Committee following deferral at meeting of 21 April 2021.

1 Executive Summary

- 1.1 The application was first brought before Planning Committee on 21 April 2021 with a recommendation for approval and the original Committee report is attached at appendix 2. Members resolved to defer making a decision following concerns with regard to the internal floor space of the three bed dwellings as proposed, to the inclusion of private roads within the site, and to the road layout junction with the Beeston Station.
- 1.2 The application is being returned to Committee following discussions with the applicant and agent.
- 1.3 There are no amendments proposed to either the dwelling sizes or to the proposed road layout, which is outside of the application site boundary, the reasons for which are set out in the following report.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1, and to the prior signing of a Section 106 Agreement.

APPENDIX

1 Details of the Application

- 1.1 The site is allocated for residential development in the Part 2 Local Plan. There have been no changes to the number of dwellings proposed, which remains at 42.
- 1.2 The proposed access into the site will still be from Station Road and no further alterations to the layout have been made.

2 Relevant Policies and Guidance

- 2.1 The relevant policies have been previously set out in the original Committee report attached as appendix 2.

3 Re-consultations

- 3.1 No re-consultations have been carried out. However, as the applicant has submitted details in respect of the Construction Method Statement (CMS), County Highways have commented that the details are satisfactory and as such the pre-commencement condition (number 8 on the original report) can be omitted and a new regulatory condition, to ensure that the development is carried out in accordance with the approved CMS, is recommended.
- 3.2 Two emails have been received, from the same writer, following the April Committee meeting. The first email sets out their thoughts in regard to the turning area, and cites the area outside of Beeston Parish Church as a good example. The writer also observes that the future parking for the station to be at the north east end of the site and therefore remote from the station. Considers as that area has an excellent rail link from the Beeston Sidings, further north of the site, the site be reconfigured so as to provide parking closer to the station. The second email is directed to Network Rail, with the LPA being copied in and refers Network Rail to the proximity of Beeston Sidings and therefore need for the maintenance compound (to the north east end of the site) which would then give more flexibility of the site to locate parking closer to the station and would benefit the future occupiers. In response, the need for the retention of parts of the wider site, outside of the application site boundary, are not matters to be considered by the LPA where they do not affect the consideration of the proposal. Additionally, it is understood that Network Rail have safeguarded land adjacent to the railway line, close to the site access, for parking, and that the compound to the north east is required operationally for vehicles in connection with both the maintenance of the railway, and for access to the rail line by emergency services, in the event of an incident.

4 Assessment

- 4.1 The developer states that this scheme is not viable, however they have agreed to enter into a Section 106 Agreement and to pay the financial contributions to off-site provision and maintenance of open space, and toward primary healthcare (contributions toward education were not required). Should a market housing developer take over the site, then there would only be a requirement for 30% of

the housing to be affordable, which would have an unnecessary delay on the Borough's housing list, and would also be highly unlikely to be a viable scheme. As such, no financial contributions at all would be possible and would therefore require both the Local Authority and the NHS to divert or find funds from elsewhere, which in turn could impact on delivery of other services.

- 4.2 The applicant, in a statement submitted in support of the proposal, states that in regard to the internal space standards, the two bedroom dwellings meet the guidelines as set out in the Nationally Described Space Standards (NDDS). The three bedroom units cannot be changed in size due to them being built off site and the need for them to be capable of fitting on road transport without being classed as a 'wide load' which in turn would result in an impact on highway safety. The Space Standards are not adopted plan policy and as such it would be unreasonable to refuse planning permission purely on the basis that the three bedroom units are only slightly under the guidelines as set out in the NDSS. Furthermore, Homes England, who will be funding the development, are accepting of the internal floor space, being within the 15% tolerance of the NDSS. East Midlands Housing, the registered provider who will own and manage the development, consider that the dwellings would provide more than adequate standard of living and would provide the occupiers with a good standard of accommodation and would relieve pressure on the Borough's housing waiting lists.
- 4.3 The applicant, in a statement submitted in support of the proposal, also notes that the proposed dwellings, being affordable homes and to be managed by a Housing Association, offer better internal space standards than many market housing suppliers, notably David Wilson Homes, as can be seen on the recent planning application at Brinsley, brought to the same Planning Committee at April and approved by members. The internal space standards of some of the three bed dwellings at that development were as small as 75 square metres (the three bed units at the Old Station Yard development are proposed to be 81 square metres).
- 4.4 The three 'private' roads served from the new access are not to be adopted, and this is due to the inability of larger vehicles, such as refuse trucks, being able to enter and exit in a forward gear. Communal bin collection points will be provided that are conveniently located for both the occupiers and the refuse team. In all other respects, the private roads will be constructed to an adoptable standard, and the Registered Social Landlord would be responsible for the future management and maintenance of these unadopted areas of road. It is considered that this is acceptable, and no objections to the arrangement have been made by the Highway Authority.
- 4.5 In respect of the road layout and need to accommodate future requirements of Beeston Station, it is noted that Network Rail, who own the land, have set aside areas both adjacent to the railway, in order to accommodate any potential platform extension and for additional parking, and to the north east of the site, in order to accommodate rail maintenance vehicles and plant. These areas will be outside of the control of the applicant. The applicant has worked alongside Network Rail throughout the process, to ensure that the development would not have an impact on the safe operation of the rail network and facilities at the station. As such, it would be unreasonable to refuse planning permission on the

grounds that Friends of Beeston Station (or any other local action group) would like to safeguard the area outside of the application site for any future development not yet scheduled.

- 4.6 The access to the development, which will be to the south west corner of the site adjacent to the station access, will see a traditional T junction arrangement and the indicative layout shows Traffic Regulation in the form of double yellow lines, in order to prevent indiscriminate parking by station users. Whilst the existing parking spaces, for dropping off users of the station, will be removed from the southernmost point of Station Road, it should be noted that the taxi rank, proposed to be retained to the front of plots 1 to 7, and the internal road layout of the development itself, would offer ample opportunity for the safe drop off and pick up of users of the station without detriment to highway safety. The County Council, as Highway Authority are satisfied with the road layout as proposed, subject to conditions as set out below.

5 Conclusion

- 5.1 The proposed development would provide a scheme of 100% affordable homes of an acceptable internal space standard throughout, resulting in potentially 42 households on waiting lists in the borough to be housed, and will see the redevelopment of a long-term vacant, brownfield, highly sustainable site, allocated for residential use in the Part 2 Local Plan. The proposal is acceptable and as such it is recommended that planning permission be granted, subject to conditions and the prior signing of a Section 106 Agreement.

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 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, 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 the site location plan and drawings numbered PJSL20-05-001A, 600161-HEX-0-GEN-DE-C-0110 sheets 1 and 2, 9478-PL02, 9478-PL06, 9478-PL07, 9478-PL10, and 9478-PL11</p>

	<p>received by the Local Planning Authority on 26.10.21, 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, 9478-PL03D, received by the Local Planning Authority on 26.03.21, the indicative TRO shown on 60061-HEX-00-GEN-DR-C-0113 rev P02 and 60061-HEX-00-GEN-DR-C-0114_TRO P01 received by the Local Planning Authority on 31.03.21 and 9530-L-01 rev B and 9530-L-02 rev B received by the Local Planning Authority on 07.04.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development shall be constructed only in accordance with the details of materials as approved on drawing numbers 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, unless alternative details have otherwise been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall be commenced until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) proposed boundary treatments including Armco safety barriers (b) proposed hard surfacing treatment (c) proposed lighting details particularly in regard to lighting near railway land and which shall be bat sensitive (d) planting, seeding/turfing of other soft landscape areas (e) a management and maintenance scheme relating to the landscaped areas not within the curtilage of a dwelling (f) ecological enhancements which shall include the number, type and location of bird and bat boxes <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been</p>

	<p>carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>No building hereby approved shall be occupied until all the appropriate remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety, and to ensure that the development does not result in unacceptable levels of water pollution and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
6.	<p>No above ground works shall be commenced until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No above ground works shall be commenced until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, and designed so as to be collected and diverted away from Network Rail property, 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 include evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>

8.	<p>No part of the development shall be commenced until the results of a reptile survey has been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any reptiles found on the site, and should these be required, the measures shall be implemented in accordance with the details as approved.</p> <p><i>Reason: In the interests of safeguarding a protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>No part of the development shall be commenced until an application for a Traffic Regulation Order (TRO) as shown indicatively on approved drawing number 60061-HEX-00-GEN-DR-C-0113 rev P01 and 60061-HEX-00-GEN-DR-C-0114_TRO rev P01 has been submitted to the Highway Authority. The TRO shall thereafter be implemented in accordance with the approved TRO unless otherwise agreed in writing by the Local Highway Authority.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
10.	<p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme as detailed in Omnia's Noise and Vibration Impact Assessment (B10610/1.1 Draft September 2020). No building hereby approved shall be occupied until the respective mitigation measures, relevant to that dwelling, have been installed.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
11.	<p>No building hereby approved shall be occupied until the access road and communal parking / turning areas have been completed and made available for use.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
12.	<p>No building hereby approved shall be occupied until the boundary treatments and in curtilage parking pertinent to that dwelling have been provided.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the</i></p>

	<i>aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
13.	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Rodgers Leask Limited, 15 October 2020 and finished floor levels shall be set no lower than 27.53 metres above Ordnance Datum (AOD).</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
14.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the dwellings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
15.	<p>No construction, demolition or site preparation work in association with this permission shall be undertaken outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>No construction, demolition or site preparation work in association with this permission shall be undertaken unless in accordance with the details submitted within the Construction Method Statement dated April 2021 and received by the Local Planning Authority on 28.04.21.</p> <p><i>Reason: In the interests of highway safety and the safe operation of the railway, in accordance with the aims of Policy 10 of the</i></p>

	<i>Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
	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.	Burning of waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4.	<p>The Highway Authority advise:</p> <p>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.</p> <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</p>

	<p>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: hdc.south@nottsc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottsc.gov.uk</p> <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> <p>The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via East Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.</p>
5.	<p>The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.</p> <p>Asset Protection Project Manager Network Rail (London North Eastern) Floor 3B George Stephenson House Toft Green</p>

	<p>York Y01 6JT</p> <p>Email: assetprotectionlneem@networkrail.co.uk</p>
6.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>

[illegible]

-  Flood Zone 2
 Flood Zone 3
 Site

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Photographs



View of the site from the road bridge, looking north east



View of the site looking toward the rail line



Waterloo Road, view from Station Road



Station Road, looking north west from the parking area under the road bridge



Beeston Station, a Grade II Listed Building



View north east along Station Road, from the bridge. Access to the site can be seen at the bottom of the bridge

Plans (not to scale)



Proposed layout



Proposed street scene elevations



Cardinham House Type T1



Cardinham House Type T2



Holt House Type T1



Holt House Type T2



Dalby House Type T1



Dalby House Type T2

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Report of the Chief Executive

APPLICATION NUMBER:	20/00745/FUL
LOCATION:	Old Station Yard, Station Road, Beeston, NG9 2AB
PROPOSAL:	Construct 42 dwellings with improved access, provision of an internal access road, landscaping and associated works following the demolition of buildings

The application is brought to the Committee at the request of Councillor P Lally, and as it is a major application.

1 Executive Summary

- 1.1 The application seeks planning permission for the construction of 42 dwellings and associated works, including a new access.
- 1.2 The site is currently unused and overgrown, and there are a small number of industrial buildings on the site. The land has formerly been in use as sidings for the adjacent railway line, and latterly for industrial use. The site is within Flood Zones 2 and 3.
- 1.3 The main issues relate to whether the proposal is in accordance with the criteria set out as part of the allocation of the site as residential; if there would be harm to any heritage assets in the area; whether the proposal would result in an increase to flood risk; whether the proposal would have an unacceptable impact on highway safety; and whether there would be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it is an allocated site for residential development and would return a vacant site back to use; would provide 100% affordable housing; is in a sustainable location with good access to public transport and to community facilities; and would provide a good standard of living accommodation for the future occupiers. The development would be in accordance with the policies contained within the development plan. This is given significant weight. There would be an impact on the local road network and on neighbour amenity but this is outweighed by the benefits of the scheme.
- 1.5 The committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

APPENDIX 1

1 Details of the Application

- 1.1 The proposed development seeks to construct 42 two storey dwellings, which will be a mix of semi-detached and terraced two and three bedroom properties. A new access into the site would be created and this would run parallel to the existing railway line. This road would also allow for access to the far north east corner, land which is to be retained by Network Rail and which is not included in the application site.
- 1.2 All dwellings would have private outdoor space, and access to off-street parking.
- 1.3 The dwellings would be of a modular build, which would take less time to construct and complete on site than a traditionally built dwelling, and the whole site would be allocated for much needed affordable housing.
- 1.4 All existing buildings on the site would be demolished.

2 Site and surroundings

- 2.1 The site known as Beeston Cement Works is a linear site to the north east of Station Road, and to the south east of Waterloo Road. The site is further bounded by a rail line which runs in a south west to north east direction, to the south east of the site. Access to the site is currently from Waterloo Road. The site has previously been used as railway sidings.
- 2.2 To the north west of the site, along Waterloo Road, there is a mix of housing comprising three storey apartment blocks and two storey semi-detached and terraced housing. Apartment blocks are on the opposite side of Waterloo Road, to the north west, facing the site.
- 2.3 To the south west, Station Road runs parallel to the adjacent road bridge over the railway lines. There is a taxi rank to the north east side of Station Road, directly adjacent to the site. Beeston railway station, a Grade II Listed Building, lies to the south west of the bridge and is accessed via Station Road where it continues under the bridge, to the station building. Parking and cycle storage serving the station is provided both to the front of the station and underneath the bridge.
- 2.4 To the south east of the rail line, separated by landscaping including trees, there is a development of two storey semi-detached and terraced housing. These properties have rear elevations looking toward the rail line and the site beyond.
- 2.5 Aside from the site and the train station, the immediate surrounds are predominately residential in character.
- 2.6 The majority of the site falls within Flood Zone 3, with the north east part of the site falling within Flood Zone 2.

3 Relevant Planning History

- 3.1 There has been no recent planning history for this site. The last application, in 1997, gave permission for the site to be used for Class B1 purposes. Reference 97/00722/FUL.

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: Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019:**

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

- Policy 1: Flood Risk
- Policy 3.7: Cement Depot Beeston
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 23: Proposals affecting Designated and Non-designated Heritage Assets
- Policy 26: Travel Plans
- 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 9 – Promoting sustainable transport.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.
- Section 16 – Conserving and enhancing the historic environment.

5 Consultations

- 5.1 **Environment Agency:** Following the receipt of additional information, no objections subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment (FRA), prior approval of a remediation strategy to deal with the risks of contamination on the site and subsequent verification that the works as approved have been carried out, and details of surface water drainage.
- 5.2 **County Council as Highway Authority:** Initially raised concerns in respect of alignment of the turning head and parking levels on the site. Also require appropriate parking restrictions to be included so as to prevent indiscriminate parking and for access for larger vehicles such as refuse lorries. Turning heads should be provided on the private drives. Amended plans received and the Highway Authority are now satisfied with the layout, and recommend that a condition be imposed requiring the developer to apply for a Traffic Regulation Order (TRO) as shown indicatively on the submitted drawing, prior to any above ground works being carried out. Also recommend other conditions in respect of provision of driveways prior to occupation, and a Construction Method Statement to be agreed prior to demolition or commencement of works. Note to applicant in respect of works to public highway.
- 5.3 **County Council as Local Lead Flood Authority:** No objections subject to a pre-commencement condition requiring a detailed surface water drainage scheme to be approved.
- 5.4 **County Council Policy Team:** The County Council are not requesting any Planning Obligations in respect of transport or education.
- 5.5 **Council's Conservation Adviser:** In regard to the design, do not consider that the proposal would result in potential harm to the Listed Building (train station) and raise no objections. Would be interested in seeing a palette of proposed materials. The frontages appear to be dominated by driveways. Would prefer the terraces to be of three identical house types rather than the two plus one shown on the layout.
- 5.6 **Council's Environmental Health Officer:** No objections, subject to a pre-commencement condition requiring details to be submitted of a contaminated land survey, and implementation of the measures prior to occupation; noise mitigation measures as per the approved noise assessment have been installed prior to occupation; details of piling or other penetrative foundations; and a condition in respect of construction hours. Note to applicant in respect of no fires on site.
- 5.7 **Council's Parks and Environment Officer:** Request a financial contribution of £61,852.56 toward works and maintenance of parks and open spaces in the immediate area. Generally satisfied with the landscaping scheme, would like details of management of the areas of planting outside of the curtilage of dwellings.
- 5.8 **Council's Housing Officer:** The proposed split of housing is acceptable.

- 5.9 **Council's Asset Manager:** Welcomes that plots 1 to 7 would provide natural surveillance of the area for the benefit of users of the train station. Concerns regarding the two drop-off bays as these may be difficult to use and so may be lost.
- 5.10 **NHS CCG (Primary Care):** Request a financial contribution of £22,758.75 toward primary health care, to be allocated to enhancing capacity/infrastructure at existing local practices.
- 5.11 **NHS NUH Trust (Secondary Care):** Request a financial contribution of £44,100 toward secondary health care.
- 5.12 **Cadent:** There is apparatus in the vicinity of the site which could be affected by the proposed development. The developer has been informed.
- 5.13 **Beeston Civic Society:** The society welcomes the development of this brownfield site and that it would be 100% affordable housing. Observes that given the proximity of the site to several modes of sustainable transport and relative closeness to Beeston town centre, the proposed level of parking (71 spaces for 42 houses) is high and there should be a reduction in this provision. In design terms, the proposed parking areas would dominate and would have a detrimental impact on the street scene, and contribute to levels of run-off [of surface water]. Note that there was no consultation with neighbours to the site, by the developer, given that the site is already allocated for housing. Network Rail is the neighbour and the plans appear to take no account of potential conflict and difficulties which could be caused by the upcoming proposals to remodel the stairs access to the platforms from the road bridge together with the installation of passenger lifts between platforms 1 and 2 and the possible loss of drop off points and station parking opposite the access road to the site. More broadly, concerns regarding potential increased levels of vehicular access to Station Road/ Queens Road generated by the new housing on this and the site off Technology Drive, and proposed housing off Dovecote Lane.
- 5.14 **Transport Focus:** Commenting following contact from resident. Transport Focus comment that access to the station is poor and should be improved and the development at the site is the opportunity to do so. The existing platforms at the station are not long enough for the new class of trains that will call there. The access arrangements specified by the ORR land disposal – 'improved access and drop-off at the station' are not met by the submitted plans. Also believe that the land required for an extension of platform 1 appears to have been excluded from the plans as submitted.
- 5.15 **Notts Wildlife Trust:** Generally satisfied with the approach taken in the submitted Ecological Appraisal, however, would like to see a reptile survey carried out prior to the commencement of development. Recommend conditions in regard to the provision of bat and bird boxes, and that any lighting be bat sensitive.
- 5.16 **Network Rail:** The developer has served notice on Network Rail in support of the application, and has been involved in discussions with NR as necessary regarding the purchase and development of the application site. Recommend

conditions in respect of drainage; safety barriers; details of fencing; construction method statement; soundproofing; and lighting where close to the railway.

- 5.17 83 properties either adjoining or opposite the site were consulted, a site notice was displayed, and a press notice published. 15 responses were received, 1 letter of support, 2 objections and 12 observations:

Support:

- Excellent use of a large derelict piece of land.

Objections:

- Of the opinion that the application is in clear contradiction of the ORR Land Disposal Notice [understood to be Network Rail estate division] which stipulates that improved provision for drop off and circulation should be provided for rail users and that the neck of land by the current turning circle be retained for any future plans for platform extensions.
- Question need for more housing given Beeston Quarter, Myford Place, Broadgate and recent permission on the Maltings site for residential development already underway. Area would be better suited for a small primary school to deal with additional influx of school age children, or alternatively, an activity centre/playground.

Observations:

- Agree that 42 flats can go ahead but would like to know if these are council or housing association. They should have their own front door unlike the existing ones, which have bedrooms to the front and living rooms to the rear [Waterloo Road] in order to stop anti-social behaviour
- Would like re-assurance that the short stay parking spaces on the approach to Station Road, and the 2 drop off spaces at the entrance to Beeston Station will be retained, and, better still, additional parking spaces provided
- Generally in favour of the development but would like to see the two short stay parking spaces on Station Road re-sited elsewhere if possible as they are useful for drop-off / pick up from the station
- Assume that remedial work for the road bridge will not be needed in the foreseeable future given that it was built at the same time as Clifton Bridge (A52, currently undergoing major repairs), as it would be unpleasant for the new occupiers to have to endure repairs. The bridge is also unsightly, queries if there are any plans to improve its appearance, to benefit the proposed housing fronting on to Station Road
- On behalf of Pedals: Nottingham Cycling Campaign – Pedals would like to see more attention given to the promotion of cycling, as well as walking and public transport, in terms of investigating opportunities in conjunction with possible future development on adjoining sites to the east, for improving the current rather torturous alignment of Cycle Route 6 of the National Cycle Network (between Beeston Station and Murden Way), improving cycle parking and reducing car parking, given the close proximity of Beeston Station
- Would like clarification as understand that Network Rail would retain ownership of a strip of land in order to facilitate the extension of platform 1 as part of electrification plans for the Midland Main Line or similar future development of the station. Transferring the small neck of land by the current

- turning circle to the developer would appear to conflict with this, this should be checked
- Would like confirmation that a suitable noise attenuation barrier between the railway and housing would be provided
 - Are Section 106 requirements being considered for this development and if so what are these
 - The scheme has serious flaws from an environmental and sustainability perspective: the requirement to produce a travel plan is weak and does not put any real pressure on the developer to promote the walking, cycling and public transport options; although some green space has been designed in the site will be dominated by hard surfaced parking areas and since the initial proposal [allocation for 40 units in the Part 2 Local Plan], two additional homes have been added with no additional green space; the predominance of parking is frightening, with nearly 2 spaces per house, even though the homes are to be affordable housing and the site is afforded excellent access to public transport, it encourages car use which is not in line with BBC policy; there is no place for secure cycle parking in the design of the houses, no garage / workshop space, no shared cycle compounds. A disappointing scheme which [the writer] finds hard to believe conforms to the type of development which BBC should be allowing
 - The land could be used for the railway station in order to give disabled access, or the fire station could be built on the Maltings site. We don't need more houses and we don't need student properties
 - Friends of Beeston Station – make observations regarding the amount of vehicular traffic that ordinarily use the Beeston Station and consider that the additional residential traffic using the entrance off Station Road would conflict with the traffic using the station, particularly as the proposal does not include a turning area/circle. FOBS consider that a return to moving the entrance to the residential development to Waterloo Road, or, preferably, ensuring that the entrance be transformed into a fitting and appropriate 'Gateway to Beeston' accommodating both the needs of traffic and passengers as well as the needs of the future residents of the proposed residential development.

6 Assessment

- 6.1 The main issues for consideration are the principle of the development; impact on heritage assets; impact on neighbour amenity; whether the development is of an acceptable design and layout; impact on highway safety; and whether the development would increase flood risk on and around the site.

6.2 **Principle**

- 6.2.1 The site is allocated for housing (40 units) in the Part 2 Local Plan (Policy 3.7) and as such the principle of a residential development on the site is acceptable subject to the matters below.
- 6.2.2 There would be a mix of two and three bedroom dwellings (20 x two bed, and 22 x 3 bed), which is considered to be an acceptable ratio of housing for the area, providing a mix of housing type.

- 6.2.3 The proposed dwellings would be of modular construction which has the advantage of being capable of a rapid construction timetable, with each dwelling being capable of being completed within 3 to 4 months once groundworks have been carried out. The modular buildings themselves are built to a high level of insulation such that the running costs (heating for instance) are less than a traditional build.

6.3 Heritage

- 6.3.1 The Beeston train station buildings, to the south west of the site, beyond the Station Road bridge, are Grade II Listed and as such are designated heritage assets. The proposed development needs to be assessed as to whether it would have a significant impact on the setting of the heritage asset.

- 6.3.2 Given the separation of the site from the Beeston station, due to the presence of the road bridge, it is considered that the development would have less than significant harm on the setting of the Listed Buildings.

6.4 Design, Scale and Layout (inc BfL etc)

- 6.4.1 The layout shows a new access road running more or less parallel to the railway line (south west - north east direction) and would see seven dwellings fronting Station Road, with parking to the rear off a private access; 22 dwellings along the new access, facing toward the railway; and three private roads running off the new access with the remaining 13 dwellings. There would be a mix of terraced and semi-detached properties.

- 6.4.2 Most dwellings would have parking to the front, although some have parking to the side. Each dwelling would have access to a private rear garden. Bin collection points are provided on the 'side' private roads, close to the principal access road.

- 6.4.3 The dwellings as proposed are of a similar scale to other dwellings in the area, specifically those to the south east on Alford Close and dwellings to the north along Waterloo Road. The dwellings are of a traditional design, having a mix of gable ends and feature gable frontages, and would be faced in either a render or brick treatment, or a mix of the two, and have concrete tiles. Details of materials have been provided and their use will be secured by condition. The dwellings would be of a modular design, being partly constructed off site and then assembled on site, which would enable them to be completed and occupied in less time than a traditionally constructed dwelling. As such, the dwellings are designed so as to minimise resource use and maximise energy efficiency during both construction and occupation.

- 6.4.4 A Building for Life assessment has been submitted and this concludes that the development would have a good rating for each of the twelve criteria, having good connections to the surrounding area and in a sustainable location close to local facilities such as shopping, employment, health, education and leisure, and to well-served public transport routes. The development meets local housing requirements, being 100% affordable. The layout is legible with well-defined

streets and spaces, responds well to the environment and to constraints such as the railway to the south east and roads to the south west and north west.

- 6.4.5 A detailed landscaping plan has been submitted and is considered to be acceptable. This would provide landscaped areas both within the curtilage of the frontage of each dwelling and to the areas outside of the private curtilage, for example to the south east of the new access, parallel to the railway line, and to the parking areas of the side roads. A condition to secure the implementation of the landscaping and details of a management and maintenance schedule, along with details of boundary treatments, will be imposed.

6.5 Amenity

- 6.5.1 In terms of impact on neighbour amenity, it is considered that the properties to the south east of the site, on the other side of the railway line, would not be significantly impacted upon due to the distance between.
- 6.5.2 It is considered that the amenities of the occupiers of the day nursery, to the west of the site, and the apartments further north east along Waterloo Road, would not be significantly impacted upon in terms of loss of light, outlook or privacy due to the orientation of the buildings (being side on) and the distance between.
- 6.5.3 The closest two storey dwellings are to the north/northwest of the site, these being numbers 14 to 38 Waterloo Road. Aside from 18 to 28, which are a terrace of dwellings at 90 degrees to the site, most properties have the rear elevation facing the site. Plot 40 would be side on to 14 and 16 Waterloo Road and there would be a minimum distance of 14m between the rear of 14 and 16 and the facing side elevation of plot 40. There would be a minimum distance of 18m between the rear elevation of plots 41 and 42 and the rear elevations of 30 to 38 Waterloo Road. There are no significant differences in ground levels between the site and neighbouring land. It is considered that there would be no significant impact on neighbour amenity in terms of loss of light, outlook or privacy for the occupiers of these properties.
- 6.5.4 In regard to the proposed dwellings, these would have an internal floor area of 80 and 81 square metres for the two bedroom dwellings, and 81 square metres for the three bedroom dwellings. The two bedroom dwellings would accord with the Nationally Described Internal Space standards, which suggests a minimum of 79 square metres for a two storey dwelling, but the three bedroom properties would fall slightly short of the 84 square metres suggested for a two storey property. Notwithstanding this, it is considered that the shortfall is minimal and all dwellings would have access to an outlook and to natural light, and have access to private outdoor amenity space. Homes England are accepting of the proposed internal space as they are well within their 15% tolerance of the Nationally Described Internal Space Standards for them to fund the scheme, and additionally the Registered Provider, East Midlands Housing, are happy to take the development on, on the above basis. It is therefore considered that the amenities of the occupiers of each dwelling would be of an appropriate standard to meet their needs and are considered acceptable by both Homes England, who are providing funding for the build, and the end user, East Midlands Housing.

6.6 Pollution

- 6.6.1 The site is close to the railway line and as such measures to ensure that the amenities of the occupiers of the dwellings are safeguarded in terms of noise and disturbance are proposed. Noise mitigation measures submitted as part of the application are considered to be acceptable, subject to a condition requiring the measures to be implemented prior to occupation. The measures include a 1.8m acoustic barrier to the rear gardens of plots 1 to 7, and upgraded glazing and background ventilation to bedrooms on the south east façade.
- 6.6.2 Given the previous uses of the site, being industrial in nature, a contaminated land survey would need to be submitted and agreed prior to the commencement of the development, and any mitigation measures required would need to be implemented prior to occupation. These measures would ensure that the future health of the intended occupiers of the site would be safeguarded.

6.7 Access

- 6.7.1 The location of the new access has been defined by the constraints of the site, which is mainly the presence of the railway to the south east boundary, and therefore in order to safeguard the amenities of the future occupiers in terms of noise, the dwellings need to be set away from the railway line. This also reflects the character of Waterloo Road, which also runs in a south west to north east direction. The principle of the access is considered to be acceptable. Amended plans received now show a T junction into the site, the existing drop off bays to the end of the street removed, and indicative double yellow lines added to the south west of the road and to the initial section of the new access into the development. Network Rail are fully aware of the development proposal, as the land is being purchased from them, and it is understood that Network Rail have safeguarded land for future redevelopment/improvement to facilities at Beeston Station. It is also understood that the proceeds from the sale of the land will go toward funding these improvements. Vehicles visiting the station will be able to enter the development site to turn around and then exit onto Station Road, which is considered to be safer than carrying out this manoeuvre at the turn into the station, as currently occurs, and in any case, it is considered that the provision of a turning head would be outside of the scope of the application.
- 6.7.2 The proposed main access road will have three private drives leading from it, serving those dwellings which do not face Station Road or toward the railway. It is considered acceptable for these drives to be private (i.e. not adopted) in terms of design and is an accepted approach in the Manual for Streets as it is more pedestrian friendly and allows for free play for children. The private drives can accommodate delivery vehicles and communal bin collection points are to be provided. It is understood that as the site will be managed by one registered provider, there will be a single management company responsible for the upkeep of the private drives and the landscaped areas. Notwithstanding this, in order to ensure that the private drives and associated drainage are maintained such that occupiers are not deemed liable for the upkeep of the drives, a condition requiring details of a management and maintenance plan to be agreed prior to occupation of the units served from the private drives will be imposed.

- 6.7.3 Access to the north east of the site would be provided in order to retain access to land still within the ownership of Network Rail.
- 6.7.4 Parking to plots 1 to 7 would be provided to the rear, in order that parking to the Station Road frontage can be made available for users of the train station, including the taxi rank.
- 6.7.5 Parking spaces on the site are allocated to each dwelling. It is considered that the ratio of parking to dwellings is acceptable, given that parking restrictions would likely be required in order to discourage indiscriminate parking by users of the train station. Five of the dwellings would have outside sockets included so as to be capable of facilitating the installation of Electric Vehicle Charging points. Each dwelling would have access to a secure rear garden which could provide space for cycle storage. National Cycle Network Route 6 runs along Waterloo Road, to the north west of the site, and this provides a safe cycling route for the occupiers with links to other cycle routes in the surrounding area, which should incentivise cycle ownership/use.
- 6.7.6 A Travel Plan Statement has been submitted and this states the intention that a Residential Welcome Pack would be supplied to all residents upon first occupation. The contents could include literature on the benefits of sustainable modes of transport; maps showing local walking/cycling routes and places of interest; details of local car share schemes; details of local taxis, on-line retailers, and public transport providers, including timetables; and details of cycle hire schemes. Measures to promote walking, cycling and use of public transport will also be included.
- 6.7.7 A Key Development Requirement of Policy 3.7 of the P2LP is to provide attractive and usable walking and cycling links through the site to the railway station to provide an 'off-road' section of the National Cycle Network Route 6. Route 6 currently runs along Waterloo Road, connecting Station Road through to Humber Road South. The route continues from Station Road south west along Barton Street onto Dovecote Lane and then onto Queens Road West. The aim of the policy requirement is to provide an off-road section of cycle way in order to provide a safer route with less conflict with vehicles.
- 6.7.8 There are constraints to the site which restrict the ability of the development to provide a usable cycle link through the site, these being the third party land to Waterloo Road between the site and the adopted highway, with only a small section to the south west of 2 to 12 Waterloo Road being adjacent to the adopted public highway, and that there is no access available (no public land) beyond the north east of the site, or, even if the retained land for Network Rail were to be made accessible, there is no point of access available on to the adopted highway other than across third party land from this piece of land. Potential access through the development is therefore limited, and, realistically, would not provide much betterment than the existing route, as it would only be for a short section, and would, in any case, only provide the potential for an improved cycle way to the station, to the south west, and not to Route 6, which runs north west away from Waterloo Road.

6.8 Flood Risk

6.8.1 A Flood Risk Assessment (FRA) has been submitted and found to be satisfactory, subject to the development being carried out in accordance with the FRA. Details of a surface water drainage scheme would need to be submitted and agreed prior to the commencement of the development and implemented prior to occupation. The Environment Agency also require details of a remediation survey in respect of contamination on the site, in order to safeguard water supply. It is considered that subject to these matters being satisfactorily addressed, the site would not result in an increase to flood risk or harm to the water supply.

6.9 Biodiversity

6.9.1 The application site consists of areas of scrub and hedging, some small trees, and large areas of hard surfacing. There are some buildings on the site. The ecological survey identifies one of the buildings as providing an ecological resource for roosting bats and potentially for nesting birds. The survey recommends that as an enhancement, a small number of bird boxes should be provided on suitably located new buildings to provide enhanced nesting opportunities for local bird species. These can be secured by condition. A reptile survey is also required, prior to commencement of the development, as there is the potential for the presence of slow worms on or near the site.

6.10 Planning Obligations

6.10.1 The site is proposed to be 100% affordable housing. Policy 15 of the Part 2 Local Plan requires for new residential developments in the Beeston submarket for 30% of the housing to be affordable. It is considered that the proposal meets this requirement, which would need to be secured through a legal obligation.

6.10.2 The County Council do not require any planning obligations in respect of Education, as there is currently a surplus of spaces in the area, or in respect of Transport.

6.10.3 A financial contribution of £61,852.56 toward off site open space is requested by the Parks and Environment Officer, to be allocated to works and maintenance at open spaces in the locality.

6.10.4 NHS Nottingham and Nottinghamshire CCG (Primary Care) have requested a financial contribution of £22,758.75 toward the provision of enhanced capacity/infrastructure at one of three nearby GP practices (The Manor, The Oaks, and Abbey Medical Centre).

6.10.5 NUH NHS Trust (Secondary Care) have requested a financial contribution of £44,100.00. However, as the site is allocated in the Part 2 Local Plan, and therefore was subject to consultation with relevant healthcare providers at the time of production, this request cannot be justified and as such the latter will not be considered necessary in order to make the development otherwise S106 compliant.

6.10.6 The developer has agreed to pay the contributions requested in regard to Open Space and NHS CCG, and this, along with the provision of affordable housing, will be secured by a Section 106 Agreement.

6.11 Other Matters

6.11.1 It is understood that the sale of the land has been agreed with Network Rail, who are fully aware of the application site boundaries, and who have set aside land outside of the site boundary in order to safeguard land to accommodate the potential expansion of the train station facilities, to the south east boundary parallel with the railway, and have also retained land to the north east of the site for access to the line.

6.11.2 The Station Road bridge is outside of the application site boundary and the planning application does not include any proposals to improve the appearance. The maintenance of the bridge would be a matter for the County Council, as Highway Authority.

6.11.3 As the build is to be modular and therefore the construction and completion period of the development would be much shorter. And, as the modular buildings would be built to a high standard of insulation (20% more heat efficient), being built off site with waste kept to a minimum, it is considered that the proposed development would be a highly sustainable build, and would accord with the aims of the Councils' Climate Change and Green Futures Programme.

7 Planning Balance

7.1 The benefits of the proposal are the provision of a 100% affordable housing scheme which is considered to be built in a sustainable manner to a high degree of energy efficiency, and re-development of an unsightly and underused site, allocated for residential development in the P2LP.

7.2 The negative impacts are increase in traffic generation.

7.3 On balance, any increase in traffic generation can be mitigated through the promotion of sustainable modes of transport and would not, in itself, outweigh the benefits of the scheme.

8 Conclusion

8.1 Recommend grant of planning permission, subject to conditions.

<p><u>Recommendation</u></p> <p>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:</p> <p>(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, and Primary Health Care and</p> <p>(ii) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered PJSL20-05-001A, 600161-HEX-0-GEN-DE-C-0110 sheets 1 and 2, 9478-PL02, 9478-PL06, 9478-PL07, 9478-PL10, and 9478-PL11 received by the Local Planning Authority on 26.10.21, 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, 9478-PL03D, received by the Local Planning Authority on 26.03.21, the indicative TRO shown on 60061-HEX-00-GEN-DR-C-0113 rev P02 and 60061-HEX-00-GEN-DR-C-0114_TRO P01 received by the Local Planning Authority on 31.03.21 and 9530-L-01 rev B and 9530-L-02 rev B received by the Local Planning Authority on 07.04.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development shall be constructed only in accordance with the details of materials as approved on drawing numbers 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, unless alternative details have otherwise been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall be commenced until a landscaping</p>

	<p>scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) proposed boundary treatments including Armco safety barriers (b) proposed hard surfacing treatment (c) proposed lighting details particularly in regard to lighting near railway land and which shall be bat sensitive (d) planting, seeding/turfing of other soft landscape areas (e) a management and maintenance scheme relating to the landscaped areas not within the curtilage of a dwelling (f) ecological enhancements which shall include the number, type and location of bird and bat boxes <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>No building hereby approved shall be occupied until all the appropriate remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety, and to ensure that the development does not result in unacceptable levels of water pollution and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
6.	<p>No above ground works shall be commenced until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning</p>

	<p>Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No above ground works shall be commenced until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, and designed so as to be collected and diverted away from Network Rail property, 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 include evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No part of the development (including demolition) shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:</p> <ul style="list-style-type: none"> a) The parking of vehicles of site operatives and visitors b) Loading and unloading of plant and materials c) Storage of plant and materials used in the construction of the development d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate e) Wheel washing facilities f) Measures to control the emission of dust and dirt during construction g) A scheme for recycling/disposal of waste resulting from demolition and construction works h) A risk assessment in relation to the railway <p>The development shall thereafter be carried out in accordance with the details as approved.</p> <p><i>Reason: In the interests of highway safety and the safe operation of the railway, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>

9.	<p>No part of the development shall be commenced until the results of a reptile survey has been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any reptiles found on the site, and should these be required, the measures shall be implemented in accordance with the details as approved.</p> <p><i>Reason: In the interests of safeguarding a protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<p>No part of the development shall be commenced until an application for a Traffic Regulation Order (TRO) as shown indicatively on approved drawing number 60061-HEX-00-GEN-DR-C-0113 rev P01 and 60061-HEX-00-GEN-DR-C-0114_TRO rev P01 has been submitted to the Highway Authority. The TRO shall thereafter be implemented in accordance with the approved TRO unless otherwise agreed in writing by the Local Highway Authority.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
11.	<p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme as detailed in Omnia's Noise and Vibration Impact Assessment (B10610/1.1 Draft September 2020). No building hereby approved shall be occupied until the respective mitigation measures, relevant to that dwelling, have been installed.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
12.	<p>No building hereby approved shall be occupied until the access road and communal parking / turning areas have been completed and made available for use.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
13.	<p>No building hereby approved shall be occupied until the boundary treatments and in curtilage parking pertinent to that dwelling have been provided.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance</i></p>

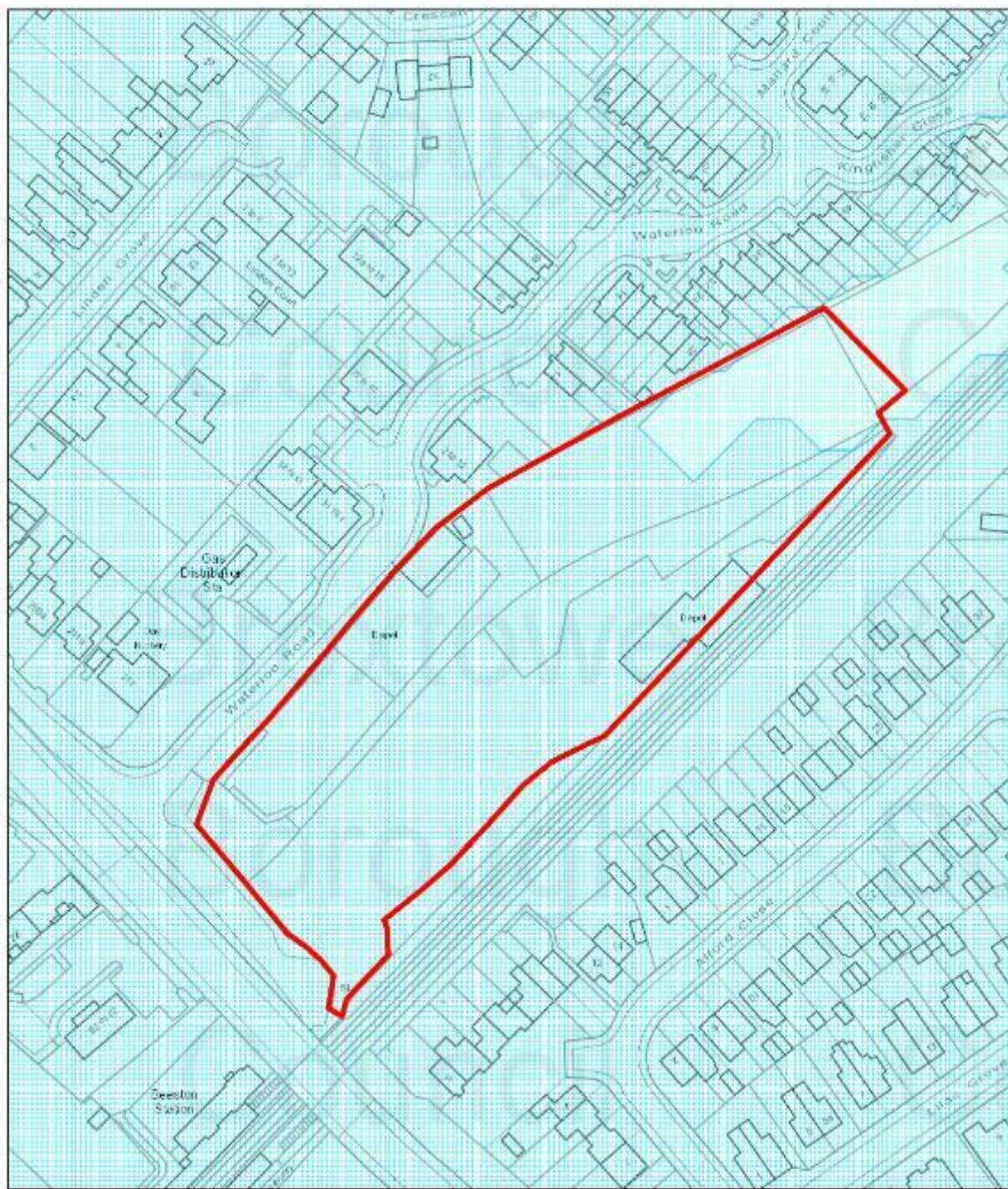
	<i>and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
14.	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Rodgers Leask Limited, 15 October 2020 and finished floor levels shall be set no lower than 27.53 metres above Ordnance Datum (AOD)</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
15.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the dwellings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
16.	<p>No construction, demolition or site preparation work in association with this permission shall be undertaken outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Environmental Health team of Broxtowe Borough Council.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

2.	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.	Burning of waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4.	<p>The Highway Authority advise:</p> <p>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.</p> <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: hdc.south@nottsc.gov.uk</p> <p>In order to carry out the off-site works required you will be</p>


	<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: hdc.south@nottsc.gov.uk</p> <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> <p>The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via East Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.</p>
5.	<p>The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.</p> <p>Asset Protection Project Manager Network Rail (London North Eastern) Floor 3B George Stephenson House Toft Green York Y01 6JT</p> <p>Email: assetprotectionlneem@networkrail.co.uk</p>
6.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of</p>

	the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
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Title



2/10/2021, 1:46:30 PM

 Flood Zone 2 Flood Zone 3

 Site

1:1,250

0 0.01 0.02 0.04 mi

0 0.01 0.03 0.06 km

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Photographs



View of the site from the road bridge, looking north east



View of the site looking toward the rail line



Waterloo Road, view from Station Road



Station Road, looking north west from the parking area under the road bridge



Beeston Station, a Grade II Listed Building



View north east along Station Road, from the bridge. Access to the site can be seen at the bottom of the bridge

Plans (not to scale)



Proposed layout



Street Elevation A-A



Street Elevation B-B



Street Elevation B-B

Proposed street scene elevations



Cardinham House Type T1



Cardinham House Type T2



Holt House Type T1



Holt House Type T2



Dalby House Type T1



Dalby House Type T2

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Report of the Chief Executive

APPLICATION NUMBER:	21/00041/FUL
LOCATION:	42 Sandy Lane Bramcote, Nottinghamshire, NG9 3GS
PROPOSAL:	Construct first floor rear extension and front and rear dormer windows

Councillor D K Watts has requested this application be determined by Planning Committee. This application was deferred at the meeting of 21 April 2021 in order for a site visit to be undertaken.

1 Executive Summary

- 1.1 This application seeks permission to construct a first floor rear extension and front dormer window. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer.
- 1.2 During the course of the application, amendments were secured to reduce the scale of the extensions and improve the design which is explained in more detail below.
- 1.3 The main issues relate to whether the principle of the extensions is acceptable and if there is an acceptable level of design and the impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined appendix 1. The original report is included at appendix 2.

APPENDIX 1**1 Details of the Application**

- 1.1 This application seeks permission to construct a first floor rear extension and front dormer window. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer.
- 1.2 The first rear extension will have a large gable feature with contemporary style glazing in the rear elevation, a first floor element with hipped roof and a rear dormer with hipped roof. The first floor extension will have a height to ridge of 8m and matching eaves height. The first floor extension will follow the same footprint as the ground floor extension apart from the set back next to no. 44. This element will be set back approximately 2.98m above the rear of ground floor extension (meaning it will project approximately 2.6m at first floor level beyond the rear elevation of the main house).
- 1.3 The hipped element will have a matching height to eaves and ridge. It will have a rear dormer with a hipped roof which will have a window in the rear elevation. A dormer with hipped roof is proposed to the front.
- 1.4 The internal layout of the property will be reconfigured. At ground floor level there will be a prayer room, kitchen, living room, utility room, toilet/shower room, reception room and an unidentified room. At first floor level there will be three bedrooms (one with an en-suite and two bedrooms sharing an en-suite), a bathroom and a study. At second floor level there will be two bedrooms with en-suites.
- 1.5 During the course of the application, amendments were incorporated into the design which included the removal of the flat roof side facing dormer, reduction in the first floor projection next to the boundary with no. 44 and reducing the size and altering the design of the front dormer. A first floor rear dormer was included in the rear extension.

2 Site and surroundings

- 2.1 The application site comprises a detached house with hipped roof, front gable feature and an integral garage. It has a single storey rear extension with pitched roof. The house is positioned within a residential area.
- 2.2 Sandy Lane slopes down from north to south. The garden is elevated above the patio. No. 44 is positioned at a slightly higher level than the application property due to the slope in the road. No. 40 is at a slightly lower level.
- 2.3 The rear boundaries consist of hedges, vegetation/trees and wall/fencing. No. 44 has a rear dormer and a conservatory up to the boundary with the application site.
- 2.4 Nos. 44 and 40 are detached houses that adjoin the site to the north and south.

3 Relevant Planning History

- 3.1 An application for an extension (77/00172/FUL) was granted permission in April 1977.
- 3.2 An application for garage extension (81/00537/FUL) was granted permission in August 1981.
- 3.3 An application for a two storey extension (88/00620/FUL) was granted permission in October 1988.
- 3.4 An application for a first floor rear extension (93/00631/FUL) was refused permission in December 1993. This was appealed and dismissed.
- 3.5 An application for a two storey extension (94/00200/FUL) was refused permission in June 1994. This was appealed and dismissed.
- 3.6 An application for a two storey extension (95/00411/FUL) was granted permission in September 1995.

4 Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan

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

- Policy 17: Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

- 5.1 Ten neighbouring properties were consulted on the application and one objection was received which can be summarised as follows:
- Loss of privacy
 - Loss of daylight/sunlight
 - Sense of enclosure
 - Side dormer and rear extension will block light to garden/conservatory
 - Side dormer right up to the boundary
 - Give appearance that property is semi-detached and not detached

- In effect be living next to a block of flats.

6 Assessment

- 6.1 The main issues relate to whether the principle of the extensions is acceptable, if there is an acceptable level of design and the impact on neighbour amenity.

6.2 **Principle**

- 6.2.1 Sandy Lane is a residential road formed of semi-detached and detached houses. The properties adjoining the site to the north and south are both detached. No. 44 has a rear dormer and conservatory. A number of properties have been extended on this road e.g. no. 66 for two storey side, single storey front and first floor rear extensions (18/00382/FUL), no. 40 for two storey side and single storey front and rear extensions (17/00872/FUL) and no. 34 for single/two storey side and rear extensions (17/00620/FUL).

- 6.2.2 It is acknowledged the property has previously been extended at two storey and single storey level; however, the proposed extension will not increase the footprint of the main property. Furthermore, it is acknowledged that two applications were refused and dismissed at appeal (see history section) but both applications were determined a significant amount of time ago in line with policies that are now out of date. Therefore, minimal weight can be afforded to this.

- 6.2.3 The initial scheme proposed was considered to be too intensive and the impact on no. 44 was considered to be unacceptable (explained in more detail below). However, the scheme has been scaled down to incorporate changes that are now considered to be acceptable and whilst there will be some impact on the adjoining neighbours, it is considered this would not warrant refusal. Furthermore, the design of the extensions and dormer are both considered to be acceptable and will not appear out of keeping with the property or surrounding area.

- 6.2.4 To conclude, it is considered the extensions and dormers are in proportion to the main plot, they will not increase the footprint of the property, the setback next to the boundary with no. 44 is considered to be sufficient and they reflect an acceptable level of design. Whilst there will be some impact on neighbour amenity, it is considered the plans have been designed and amended accordingly to overcome these concerns. The matters of design and neighbour amenity will be addressed below.

6.3 **Amenity**

- 6.3.1 The properties that are mostly impacted by the extensions and dormers will be nos. 44 and 40.

- 6.3.2 It is acknowledged that the property has been previously been extended; however, it is considered the proposed first floor extension and dormers can retain an acceptable relationship with both adjoining neighbours. No. 44 is positioned to the north of the plot and therefore due to this orientation would be the neighbour impacted mostly by the extension in regards to a loss of light and overshadowing from the first floor extension and overlooking from the side

dormer. The side dormer was removed and the first floor extension was scaled back so that it only projects approximately 2.6m from the rear wall of the main house (as shown below and in the design section). Whilst it is acknowledged there will still be some impact from the first floor extension on no. 44 in regards to a loss of light and overshadowing to the conservatory and garden, it is considered



this is not significant enough to warrant refusal. Furthermore, it is considered there will not a sense of enclosure caused by the proposed extension.

Block Plan (blacked out elements show new first floor extension, grey elements show original house)

- 6.3.3 The first floor extension will project approximately 2.97m beyond the rear elevation of the main house next to the boundary with no. 40. Whilst it is acknowledged that the cumulative impact of the existing and proposed extensions will impact on this neighbour, it is considered that there will not be a significant loss of light or overshadowing due to the orientation of no. 40 being to the south. Furthermore, both nos. 44 and 40 benefit from sizeable rear gardens.
- 6.3.4 Whilst it is acknowledged the glazing extending into the gable is large, it is considered this is acceptable that it is centralised within the extension and faces towards the rear and not the side.
- 6.3.5 Whilst it is acknowledged there will be some overlooking from the rear dormer, it is considered this is not dissimilar to that of a rear window and does not directly overlook any gardens to the side. It is considered the rear dormer will not have a significant impact on the amenity of any surrounding neighbours.
- 6.3.6 As the front dormer faces out onto Sandy Lane, it is considered it is a sufficient distance from all other surrounding neighbours that there will be minimal impact on their amenity.
- 6.3.7 To conclude, it is acknowledged there will be some impact on the amenity of surrounding neighbours. However, it is considered the extensions and dormers have been designed to reduce the impact by reducing the projection of the first floor extension next to the boundary with no. 44 and removing the side dormer. Furthermore, these neighbouring gardens are east facing and will already experience a loss of light towards the evening. It is considered a neighbourly relationship can be maintained with this scheme.

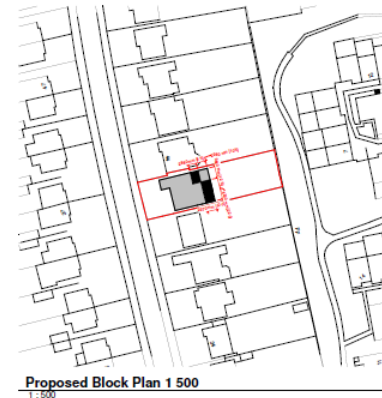
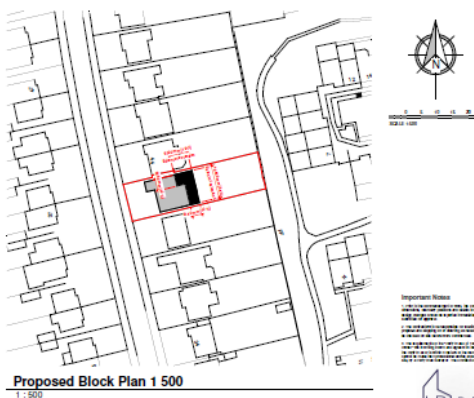
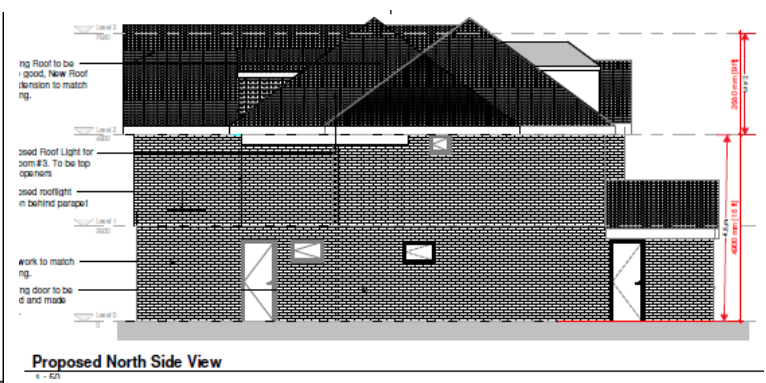
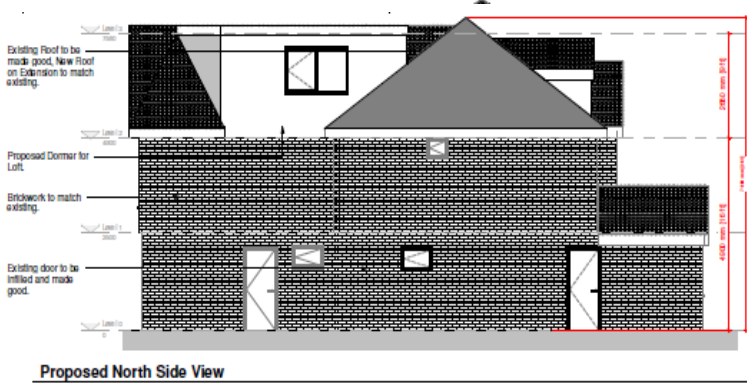
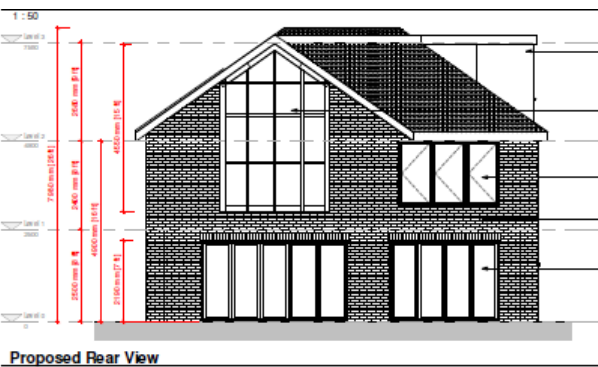
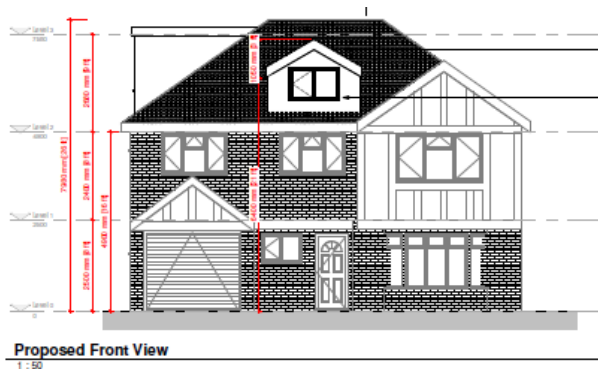
6.4 Design

6.4.1 The design of the extensions and alterations are considered to be appropriate and in keeping with the main house in terms of style and proportions.

6.4.2 The below shows the main changes from the original scheme submitted versus the amended, final scheme.

Original scheme

Amended scheme



- 6.4.3 The first floor rear extension will have a gable/hipped roof with a dormer incorporated into the hipped element. It is considered the roofs integrate into the existing roofs and do not appear out of proportion in scale or design. The dormer to the front was reduced in size and changed from a gable to hipped roof which is considered to reduce its prominence and blend into the roof scape successfully.
- 6.4.4 The proposed rear dormer will have a pitched roof which aligns with the pitch of the hipped roof of the extension. The dormer will be clad with tiles to match the main roof which is considered sufficient to ensure this blends into the roof scape and reduces its prominence.
- 6.4.5 The contemporary style glazing is considered to be an acceptable feature and as it is centralised within the extension it reflects an element of symmetry which is considered to be a positive design feature. The use of contemporary style glazing in a property that reflects a traditional design is considered to be acceptable.
- 6.4.6 The materials will be conditioned to ensure they match the main house.
- 6.4.7 The majority of the scheme is to the rear of the property and therefore will largely be obscured from the public realm. It is considered the property will still appear as a detached house and not blend into the neighbouring properties or reflect the appearance of a block of flats.
- 6.4.8 To conclude, it is considered the extensions reflect an acceptable level of design and whilst it is acknowledged the property has been extended previously and this will be a further addition, it is considered sufficient amendments have been incorporated for it to not represent an overdevelopment of the plot.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.

8 Conclusion

- 8.1 To conclude, it is considered the extensions and alterations reflect an acceptable level of design that are in keeping with the main house. It is considered the extensions and dormers do not have an unacceptable impact on neighbour amenity and sufficient parking is still available to the front of the property.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 21 January 2021:</p> <ul style="list-style-type: none"> • Site Location Plan (1:1000) <p>Received by the Local Planning Authority on 12 March 2021:</p> <ul style="list-style-type: none"> • Proposed Floor and Roof Plans • Proposed Elevations <p>Received by the Local Planning Authority on 15 March 2021:</p> <ul style="list-style-type: none"> • Proposed Block Plan (1:200) <p>Reason: For the avoidance of doubt.</p>
5.	<p>The extension and dormers hereby approved shall be constructed using bricks and tiles to match the main house.</p> <p><i>Reason: To ensure a satisfactory standard of appearance is achieved and in accordance with Policy 17 of the 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.

Map



Legend

 Site Outline

Photos



West (front) elevation



East (rear) elevation

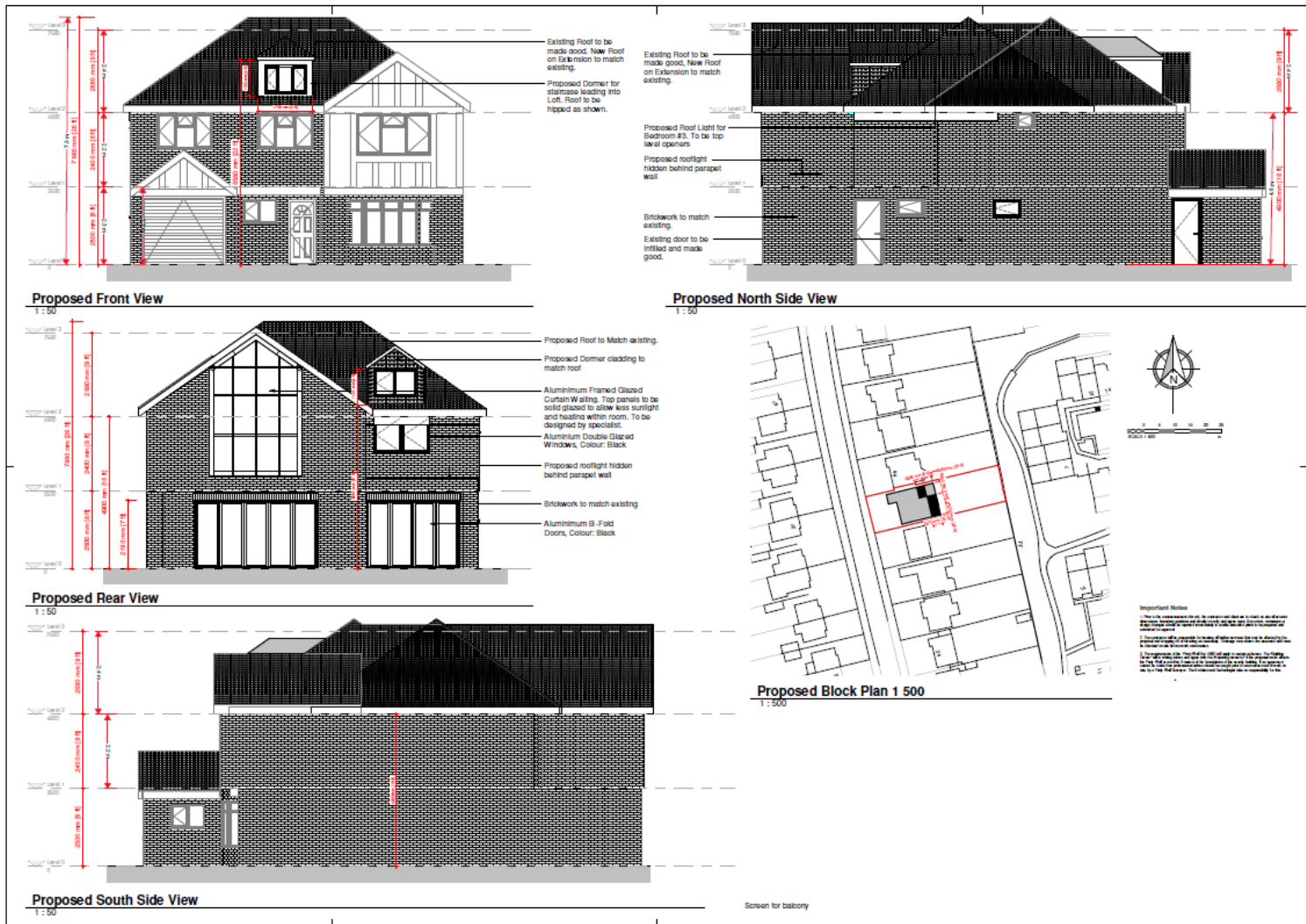


Rear/side boundary with no. 44

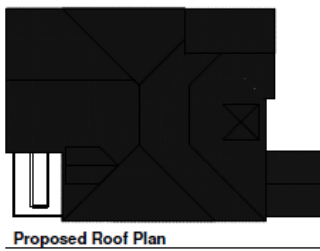
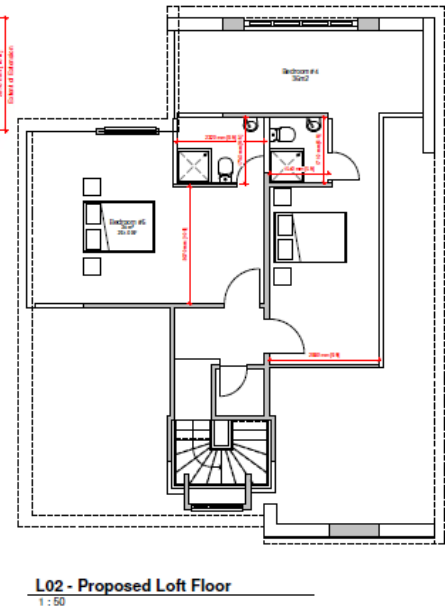
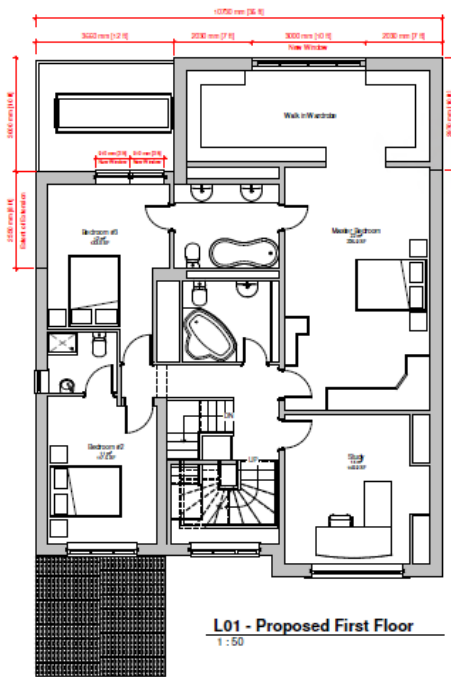
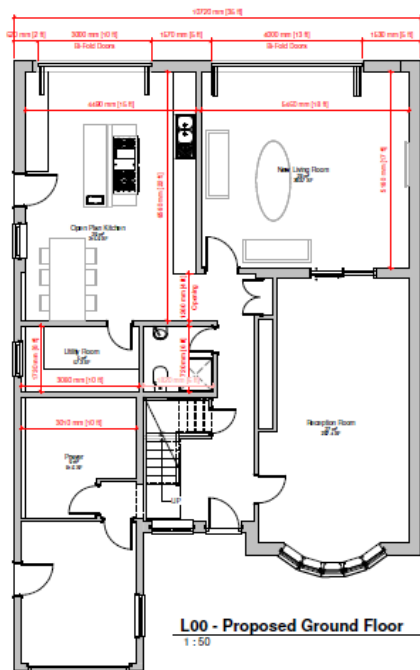


Rear/side boundary with no. 40

Plans (not to scale)



Plans (not to scale)



APPENDIX 2

Report of the Chief Executive

APPLICATION NUMBER:	21/00041/FUL
LOCATION:	42 Sandy Lane, Bramcote, Nottinghamshire, NG9 3GS
PROPOSAL:	Construct first floor rear extension and front and rear dormer windows

Councillor D K Watts has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application seeks permission to construct a first floor rear extension and front dormer window. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer.
- 1.2 During the course of the application, amendments were secured to reduce the scale of the extensions and improve the design which is explained in more detail below.
- 1.3 The main issues relate to whether the principle of the extensions is acceptable and if there is an acceptable level of design and the impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX**1 Details of the Application**

- 1.1 This application seeks permission to construct a first floor rear extension and front dormer window. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer.
- 1.2 The first floor rear extension will have a large gable feature with contemporary style glazing in the rear elevation, a first floor element with hipped roof and a rear dormer with hipped roof. The first floor extension will have a height to ridge of 8m and matching eaves height. The first floor extension will follow the same footprint as the ground floor extension apart from the set back next to no. 44. This element will be set back approximately 2.98m above the rear of ground floor extension (meaning it will project approximately 2.6m at first floor level beyond the rear elevation of the main house).
- 1.3 The hipped element will have a matching height to eaves and ridge. It will have a rear dormer with a hipped roof which will have a window in the rear elevation. A dormer with hipped roof is proposed to the front.
- 1.4 The internal layout of the property will be reconfigured. At ground floor level there will be a prayer room, kitchen, living room, utility room, toilet/shower room, reception room and an unidentified room. At first floor level there will be three bedrooms (one with an en-suite and two bedrooms sharing an en-suite), a bathroom and a study. At second floor level there will be two bedrooms with en-suites.
- 1.5 During the course of the application, amendments were incorporated into the design which included the removal of the flat roof side facing dormer, reduction in the first floor projection next to the boundary with no. 44 and reducing the size and altering the design of the front dormer. A first floor rear dormer was included in the rear extension.

2 Site and surroundings

- 2.1 The application site comprises a detached house with hipped roof, front gable feature and an integral garage. It has a single storey rear extension with pitched roof. The house is positioned within a residential area.
- 2.2 Sandy Lane slopes down from north to south. The garden is elevated above the patio. No. 44 is positioned at a slightly higher level than the application property due to the slope in the road. No. 40 is at a slightly lower level.
- 2.3 The rear boundaries consist of hedges, vegetation/trees and wall/fencing. No. 44 has a rear dormer and a conservatory up to the boundary with the application site.
- 2.4 Nos. 44 and 40 are detached houses that adjoin the site to the north and south.

3 Relevant Planning History

- 3.1 An application for an extension (77/00172/FUL) was granted permission in April 1977.
- 3.2 An application for garage extension (81/00537/FUL) was granted permission in August 1981.
- 3.3 An application for a two storey extension (88/00620/FUL) was granted permission in October 1988.
- 3.4 An application for a first floor rear extension (93/00631/FUL) was refused permission in December 1993. This was appealed and dismissed.
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4 Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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4.3 National Planning Policy Framework (NPPF) 2019:

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- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5 Consultations

- 5.1 10 neighbouring properties were consulted on the application and one objection was received which can be summarised as follows:
- Loss of privacy
 - Loss of daylight/sunlight
 - Sense of enclosure
 - Side dormer and rear extension will block light to garden/conservatory
 - Side dormer right up to the boundary
 - Give appearance that property is semi-detached and not detached

- In effect be living next to a block of flats.

6 Assessment

- 6.1 The main issues relate to whether the principle of the extensions is acceptable, if there is an acceptable level of design and the impact on neighbour amenity.

6.2 **Principle**

- 6.2.1 Sandy Lane is a residential road formed of semi-detached and detached houses. The properties adjoining the site to the north and south are both detached. No. 44 has a rear dormer and conservatory. A number of properties have been extended on this road e.g. no. 66 for two storey side, single storey front and first floor rear extensions (18/00382/FUL), no. 40 for two storey side and single storey front and rear extensions (17/00872/FUL) and no. 34 for single/two storey side and rear extensions (17/00620/FUL).

- 6.2.2 It is acknowledged the property has previously been extended at two storey and single storey level; however, the proposed extension will not increase the footprint of the main property. Furthermore, it is acknowledged that two applications were refused and dismissed at appeal (see history section) but both applications were determined a significant amount of time ago in line with policies that are now out of date. Therefore, minimal weight can be afforded to this.

- 6.2.3 The initial scheme proposed was considered to be too intensive and the impact on no. 44 was considered to be unacceptable (explained in more detail below). However, the scheme has been scaled down to incorporate changes that are now considered to be acceptable and whilst there will be some impact on the adjoining neighbours, it is considered this would not warrant refusal. Furthermore, the design of the extensions and dormer are both considered to be acceptable and will not appear out of keeping with the property or surrounding area.

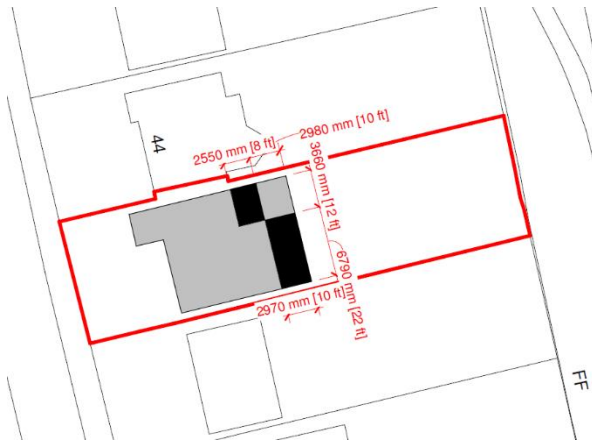
- 6.2.4 To conclude, it is considered the extensions and dormers are in proportion to the main plot, they will not increase the footprint of the property, the setback next to the boundary with no. 44 is considered to be sufficient and they reflect an acceptable level of design. Whilst there will be some impact on neighbour amenity, it is considered the plans have been designed and amended accordingly to overcome these concerns. The matters of design and neighbour amenity will be addressed below.

6.3 **Amenity**

- 6.3.1 The properties that are mostly impacted by the extensions and dormers will be nos. 44 and 40.

- 6.3.2 It is acknowledged that the property has been previously been extended; however, it is considered the proposed first floor extension and dormers can retain an acceptable relationship with both adjoining neighbours. No. 44 is positioned to the north of the plot and therefore due to this orientation would be the neighbour impacted mostly by the extension in regards to a loss of light and overshadowing from the first floor extension and overlooking from the side

dormer. The side dormer was removed and the first floor extension was scaled back so that it only projects approximately 2.6m from the rear wall of the main house (as shown below and in the design section). Whilst it is acknowledged there will still be some impact from the first floor extension on no. 44 in regards to a loss of light and overshadowing to the conservatory and garden, it is considered



this is not significant enough to warrant refusal. Furthermore, it is considered there will not a sense of enclosure caused by the proposed extension.

Block Plan (blacked out elements show new first floor extension, grey elements show original house)

- 6.3.3 The first floor extension will project approximately 2.97m beyond the rear elevation of the main house next to the boundary with no. 40. Whilst it is acknowledged that the cumulative impact of the existing and proposed extensions will impact on this neighbour, it is considered that there will not be a significant loss of light or overshadowing due to the orientation of no. 40 being to the south. Furthermore, both nos. 44 and 40 benefit from sizeable rear gardens.
- 6.3.4 Whilst it is acknowledged the glazing extending into the gable is large, it is considered this is acceptable that it is centralised within the extension and faces towards the rear and not the side.
- 6.3.5 Whilst it is acknowledged there will be some overlooking from the rear dormer, it is considered this is not dissimilar to that of a rear window and does not directly overlook any gardens to the side. It is considered the rear dormer will not have a significant impact on the amenity of any surrounding neighbours.
- 6.3.6 As the front dormer faces out onto Sandy Lane, it is considered it is a sufficient distance from all other surrounding neighbours that there will be minimal impact on their amenity.
- 6.3.7 To conclude, it is acknowledged there will be some impact on the amenity of surrounding neighbours. However, it is considered the extensions and dormers have been designed to reduce the impact by reducing the projection of the first floor extension next to the boundary with no. 44 and removing the side dormer. Furthermore, these neighbouring gardens are east facing and will already experience a loss of light towards the evening. It is considered a neighbourly relationship can be maintained with this scheme.

6.4 Design

6.4.1 The design of the extensions and alterations are considered to be appropriate and in keeping with the main house in terms of style and proportions.

6.4.2 The below shows the main changes from the original scheme submitted versus the amended, final scheme.

Original scheme

Amended scheme



Proposed Front View
1 : 50



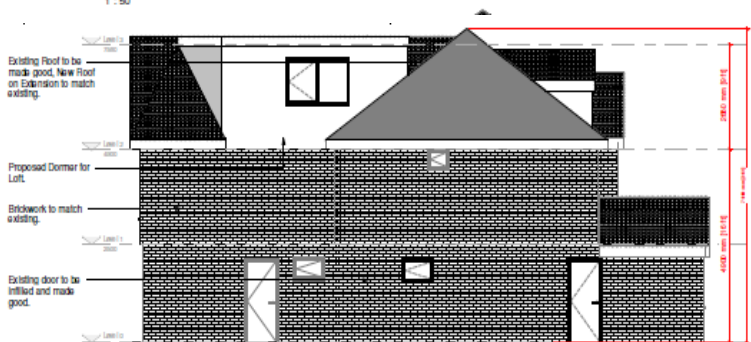
Proposed Front View



Proposed Rear View
1 : 50



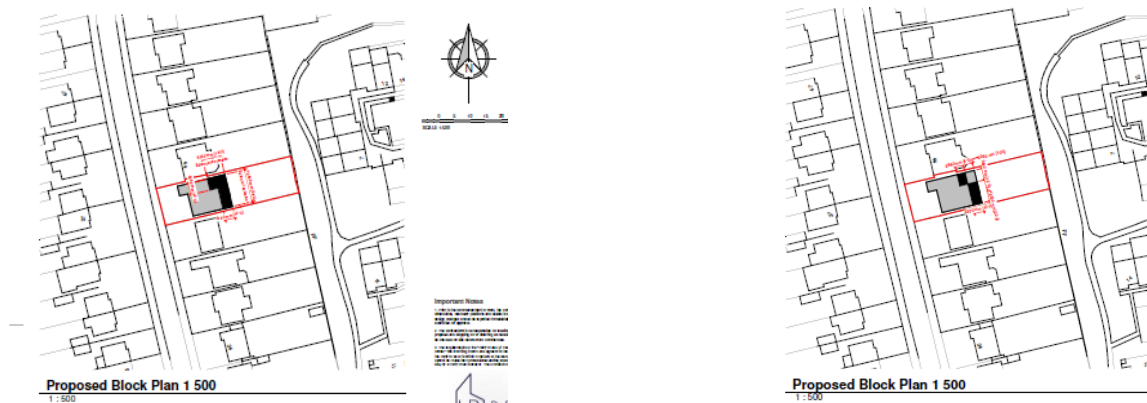
Proposed Rear View
1 : 50



Proposed North Side View
1 : 50



Proposed North Side View
1 : 50



- 6.4.3 The first floor rear extension will have a gable/hipped roof with a dormer incorporated into the hipped element. It is considered the roofs integrate into the existing roofs and do not appear out of proportion in scale or design. The dormer to the front was reduced in size and changed from a gable to hipped roof which is considered to reduce its prominence and blend into the roof scape successfully.
- 6.4.4 The proposed rear dormer will have a pitched roof which aligns with the pitch of the hipped roof of the extension. The dormer will be clad with tiles to match the main roof which is considered sufficient to ensure this blends into the roof scape and reduces its prominence.
- 6.4.5 The contemporary style glazing is considered to be an acceptable feature and as it is centralised within the extension it reflects an element of symmetry which is considered to be a positive design feature. The use of contemporary style glazing in a property that reflects a traditional design is considered to be acceptable.
- 6.4.6 The materials will be conditioned to ensure they match the main house.
- 6.4.7 The majority of the scheme is to the rear of the property and therefore will largely be obscured from the public realm. It is considered the property will still appear as a detached house and not blend into the neighbouring properties or reflect the appearance of a block of flats.
- 6.4.8 To conclude, it is considered the extensions reflect an acceptable level of design and whilst it is acknowledged the property has been extended previously and this will be a further addition, it is considered sufficient amendments have been incorporated for it to not represent an overdevelopment of the plot.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is

some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.

8 Conclusion

- 8.1 To conclude, it is considered the extensions and alterations reflect an acceptable level of design that are in keeping with the main house. It is considered the extensions and dormers do not have an unacceptable impact on neighbour amenity and sufficient parking is still available to the front of the property.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 21 January 2021:</p> <ul style="list-style-type: none"> • Site Location Plan (1:1000) <p>Received by the Local Planning Authority on 18 March 2021:</p> <ul style="list-style-type: none"> • Proposed Floor and Roof Plans • Proposed Elevations • Proposed Block Plan (1:200) <p>Reason: For the avoidance of doubt.</p>
3.	<p>The extension and dormers hereby approved shall be constructed using bricks and tiles to match the main house.</p> <p><i>Reason: To ensure a satisfactory standard of appearance is achieved and in accordance with Policy 17 of the 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. |
|----|---|

Map



Legend

Site Outline

Photos



West (front) elevation



East (rear) elevation



Rear/side boundary with no. 44



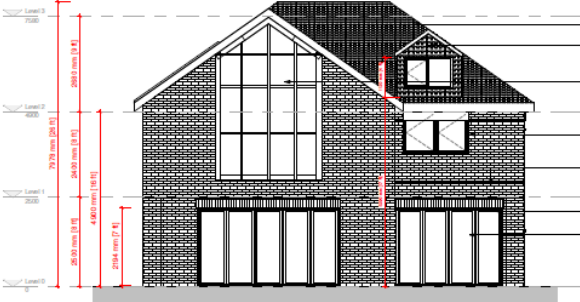
Rear/side boundary with no. 40

Plans (not to scale)



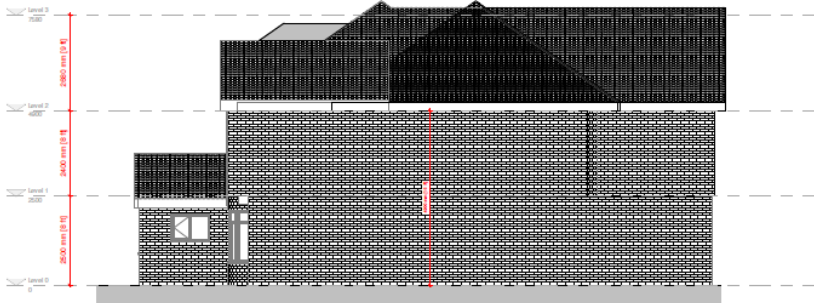
Proposed Front View

1:50



Proposed Rear View

1:50



Proposed South Side View

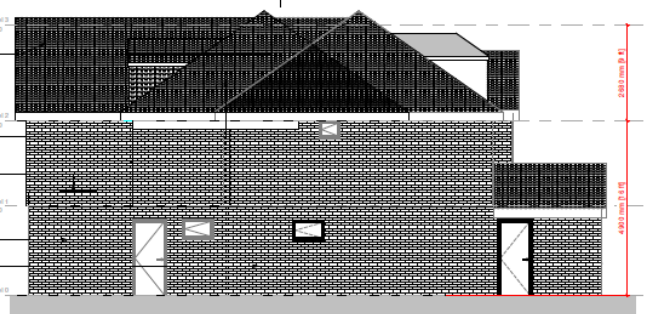
1:50

Existing Roof to be made good. New Roof on Extension to match existing.
Proposed Dormer for staircase leading into Loft. Roof to be hipped as shown.

Existing Roof to be made good. New Roof on Extension to match existing.

Proposed Roof Light for Bedroom #3. To be top level openers.
Proposed rooflight hidden behind parapet wall.

Brickwork to match existing.
Existing door to be infilled and made good.



Proposed North Side View

1:50

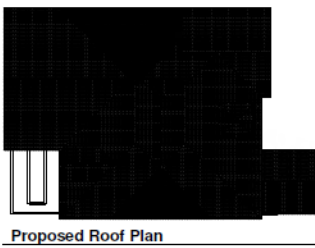
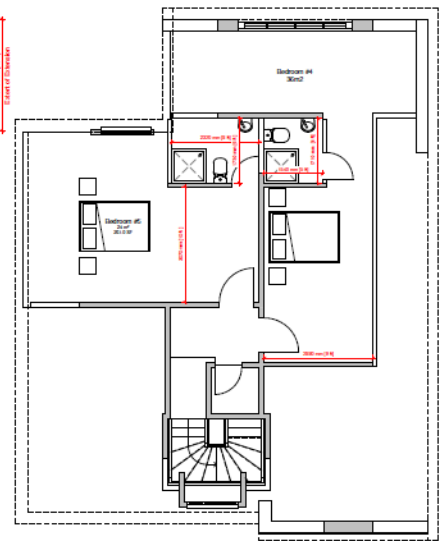
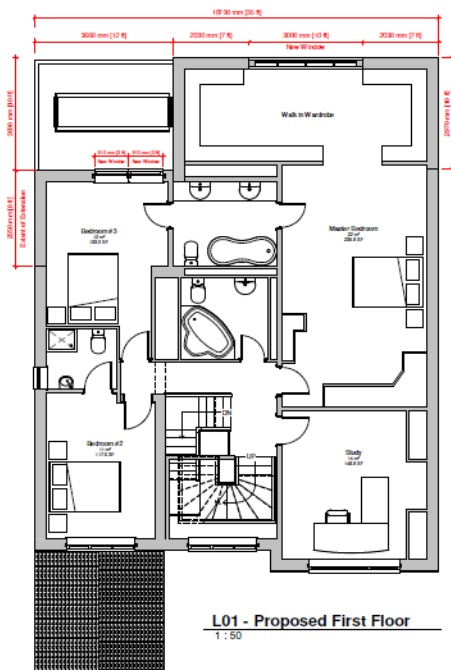
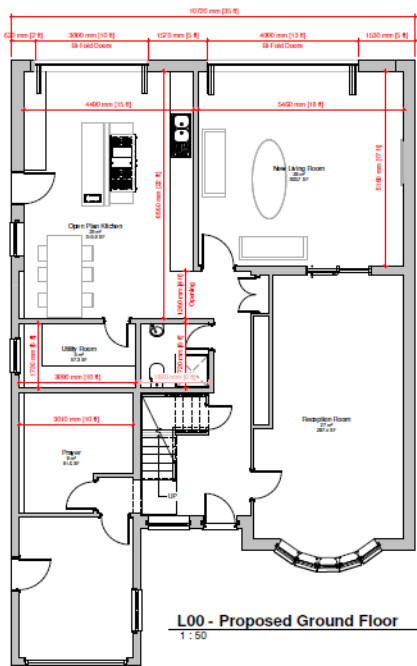


Proposed Block Plan 1:500

1:500

Screen for balcony

Plans (not to scale)



Report of the Chief Executive

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

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

1 Executive Summary

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

APPENDIX

1 Details of the Application

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

2 Site and surroundings

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

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

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

3 Relevant Planning History

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

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019:

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

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

4.3 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

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

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

Principle of development

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

Design and layout

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

Neighbour amenity

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

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

Heritage

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

Parking/Highway safety

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

Biodiversity

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

Other matters

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

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

6 Assessment

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

6.2 **Principle**

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

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

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

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

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

6.3 Design and Layout

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

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

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

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

6.4 Heritage

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

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

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

6.5 Amenity

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

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

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

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

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

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

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

6.6 Biodiversity

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

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

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

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

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

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

6.7 Access and Highway Safety

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

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

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

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

6.8 Other Matters

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

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

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

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

7 Planning Balance

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

8 Conclusion

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

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan and drawing numbers 5310-DR-01 rev P3, RSE_3314_TCP rev V1, 10903-S8-P3, 01401-S8-P2 and 01408-S8-P2 received by the Local Planning Authority on 19.01.21, drawing number 10905-S8-P1 received by the Local Planning Authority on 28.01.21, drawing number 10410-S8-P1 received by the Local Planning Authority on 11.02.21, drawing numbers 01601-S8-P3, 01608-S8-P4, and 10904-S8_P3 received by the Local Planning Authority on 19.03.21, and drawing numbers 10409-S8-P4, 10609-S8-P5, 01630-S8-P3 received by the Local Planning Authority on 13.05.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
4.	<p>No part of the development hereby approved shall be commenced until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the</i></p>

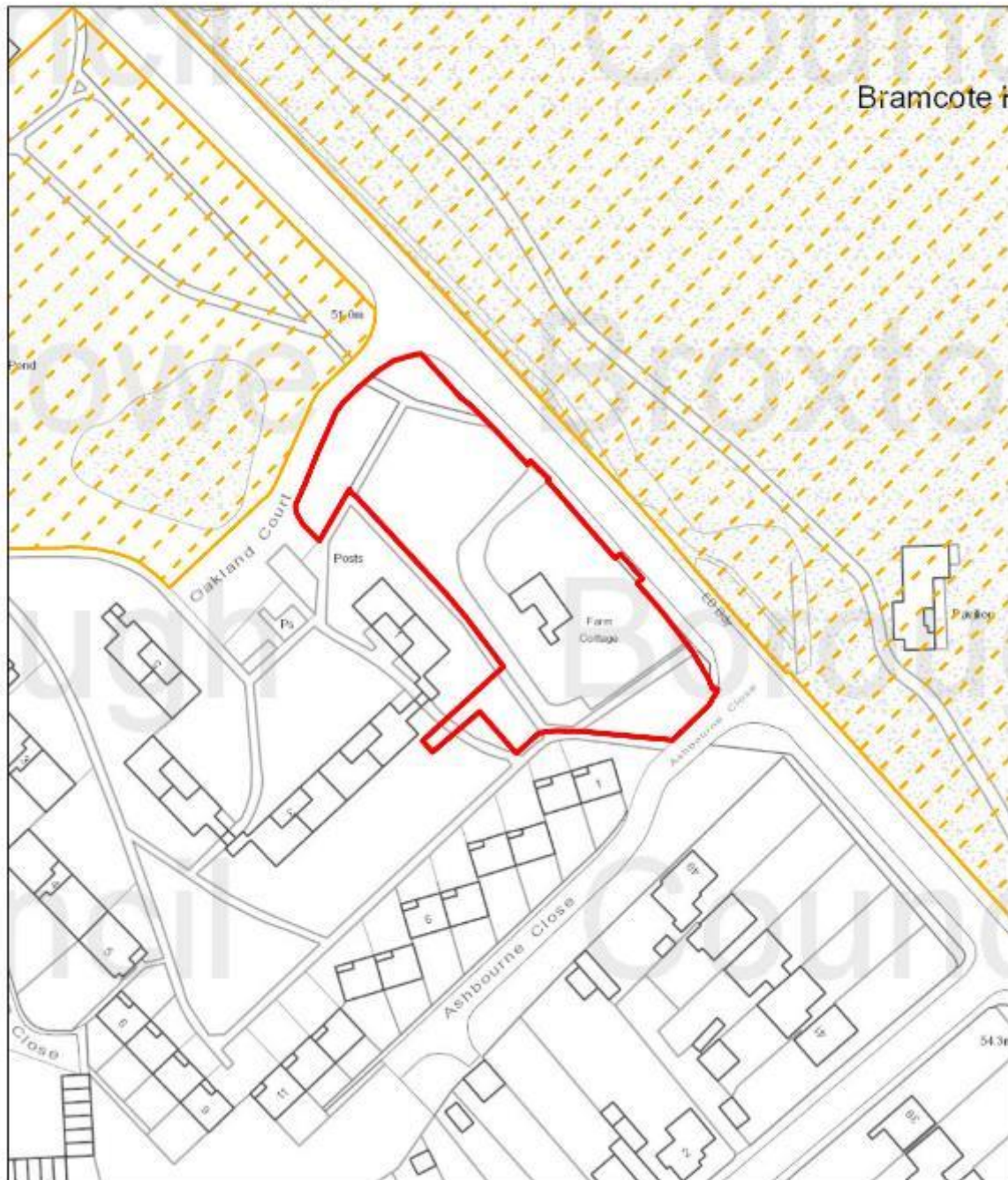
	<i>Broxtowe Part 2 Local Plan (2019).</i>
5.	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, tiles and cladding to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>No above ground works shall be carried out until details of a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No above ground works shall be carried out until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed lighting details (f) planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossing/s are available

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

	<i>aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i>
13.	<p>No new dwelling hereby approved shall be occupied until:</p> <p>i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
14.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3.	As this permission relates to the creation of a new unit(s), please

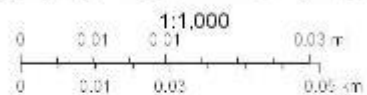
	<p>contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and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

Fishpond Cottage 51 Ilkeston Road Bramcote NG9 3JP



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

-  Open Spaces
-  Site



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Photographs



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



Fishpond Cottage, 51 Ilkeston Road



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



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



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



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



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



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



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



Rear elevation of Fishpond Cottage



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

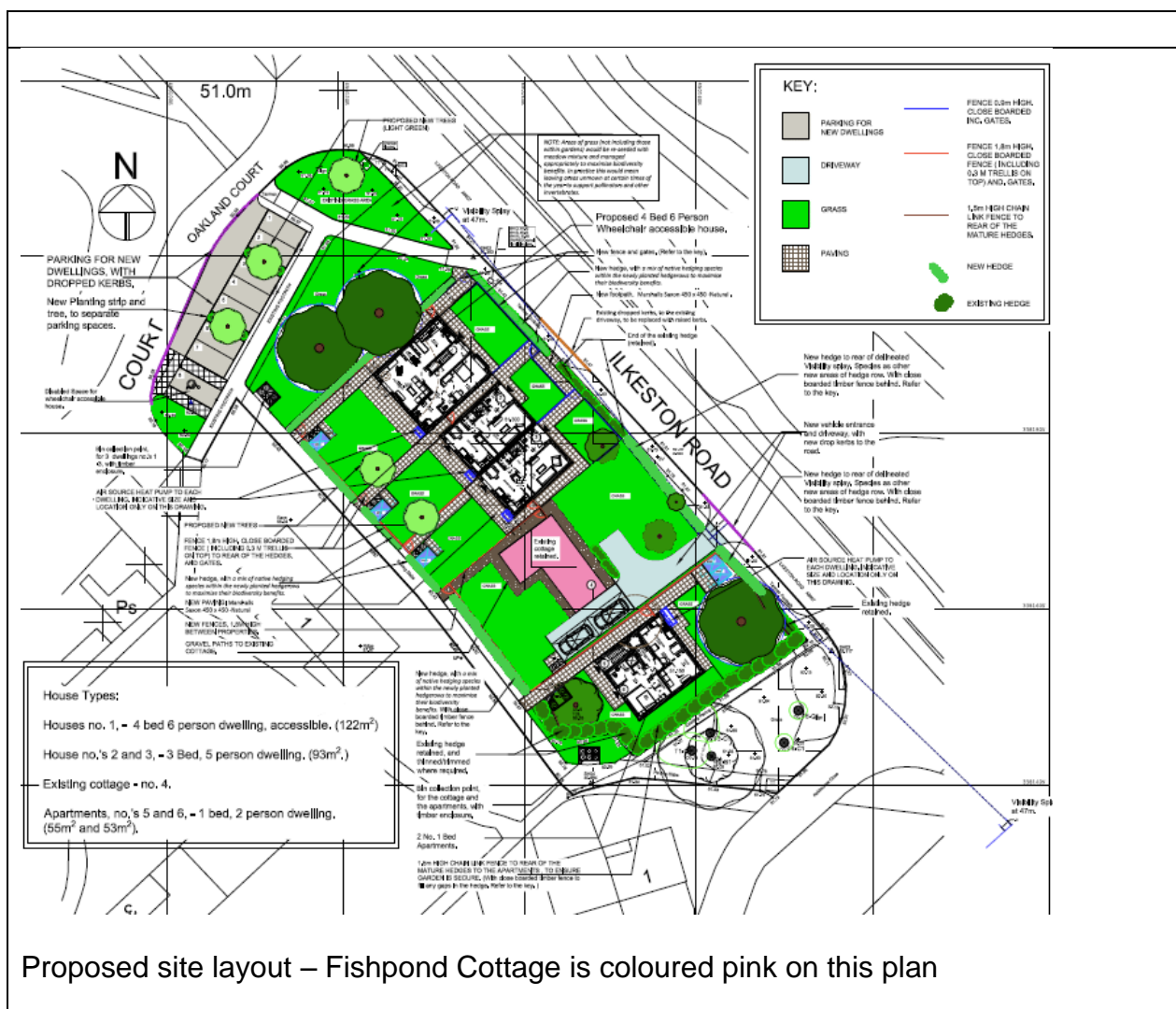


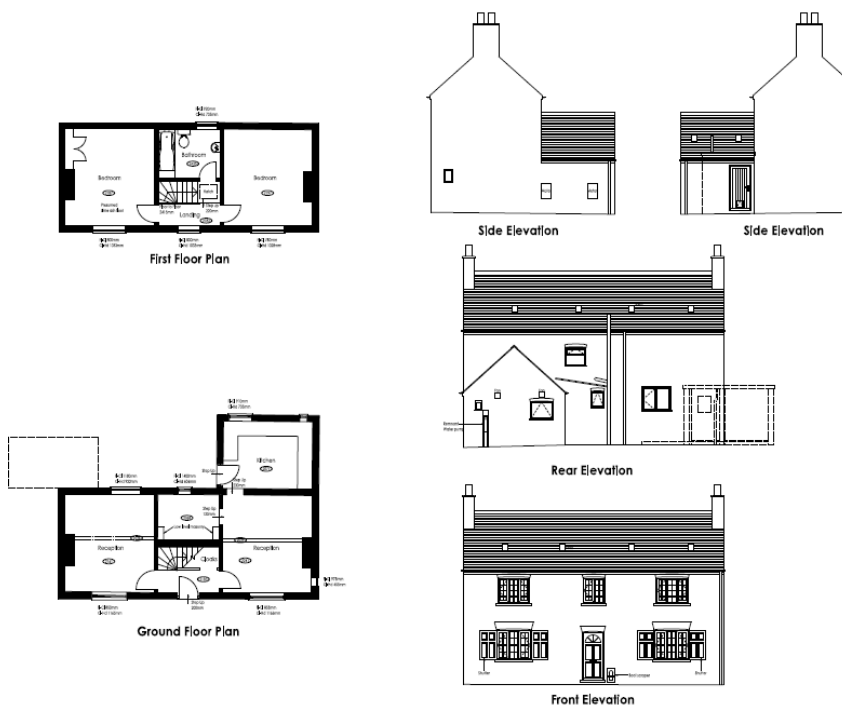
Ashbourne Close, view from junction with Ilkeston Road



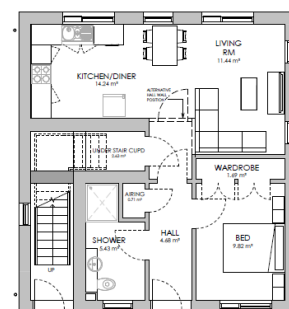
Parking area to the north west of 1 A to D
Oakland Court

Plans (not to scale)





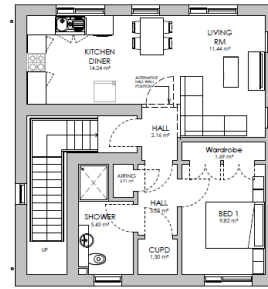
Proposed floor layout and elevations – Fishpond Cottage



GROUND FLOOR - SH 1

Scale: 1:50

Proposed elevations – apartment building



1 Bedroom 2 Person Apartment - 52.4m²

② FIRST FLOOR - SH 1
Scale 1 : 50

Proposed floor layout – apartment building

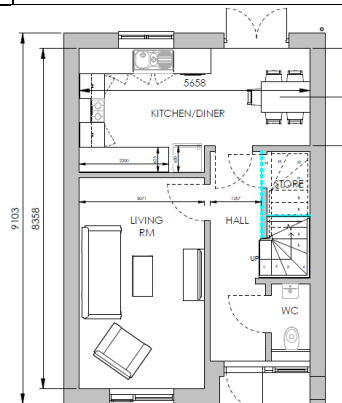


② FRONT ELEVATION - PROPOSED
Scale 1 : 50

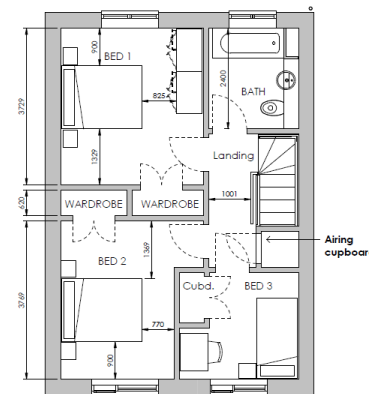


③ REAR ELEVATION - PROPOSED
Scale 1 : 50

Proposed elevations – 3 bed dwelling

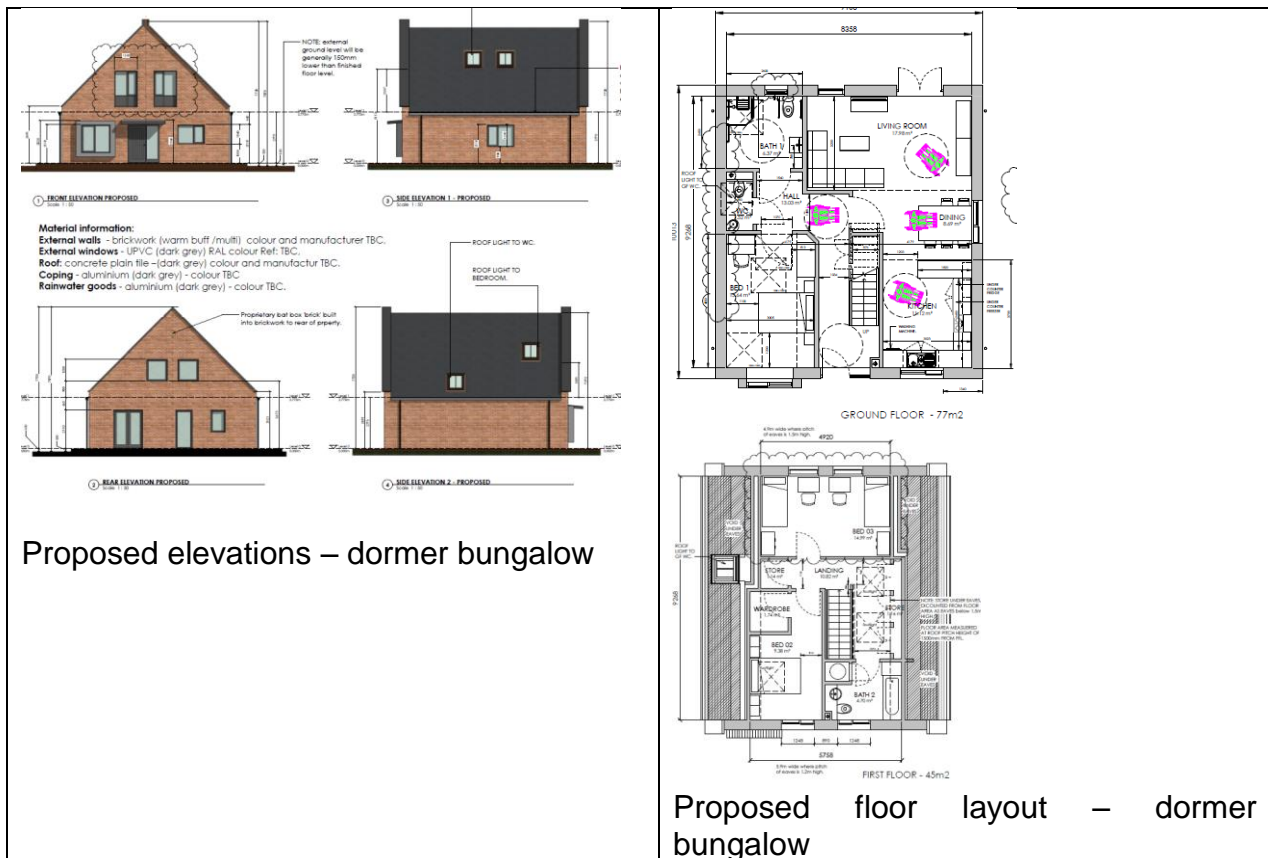


① GROUND FLOOR PLAN - sh 1
Scale 1 : 50



② FIRST FLOOR PLAN - sh 1
Scale 1 : 50

Proposed floor layout – 3 bed dwelling



Proposed elevations – dormer bungalow

Proposed floor layout – dormer bungalow

Report of the Chief Executive

APPLICATION NUMBER:	21/00182/FUL
LOCATION:	29 Rivergreen Crescent, Bramcote, Nottinghamshire, NG9 3ET
PROPOSAL:	Construct two storey front and rear extensions, raise the ridge height inserting a hip roof to the existing/extended dwelling including a loft conversion and rear box dormer, insert a hip roof to the existing single storey side extension and external alterations

Councillor D K Watts has requested that the application is determined by the Planning Committee.

1 Executive Summary

- 1.1 This application seeks planning permission for two storey front and rear extensions, raising the ridge height, adding a hip roof over the existing/extended dwelling including a loft conversion and rear box dormer, adding a hip roof to the existing single storey side extension and external alterations.
- 1.2 The proposed extensions are not considered to be harmful to the character of the host dwelling or out of keeping with the character of the surrounding area.
- 1.3 It is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring properties.
- 1.4 The benefits of the proposal are that it would be extensions to an existing residential dwelling, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. The negative impacts would be the loss of part of the garden to development (but that is a paved area) and the increase in development near the boundary with no. 31, though these matters are considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX**1 Details of the Application**

- 1.1 The proposal is to construct two storey front and rear extensions, raise the ridge height, adding a hip roof to the existing/extended dwelling including a loft conversion and rear box dormer, adding a hip roof to the existing single storey side extension and external alterations. There would be a two storey extension infilling to the southern side of the front elevation (double height bay and catslide element removed) – this would include repositioning the front door. There would also be a two storey extension to the rear which would cover the full width of the existing rear elevation and be constructed to be just beyond the existing side garage/store. (3.2m beyond the existing setback rear elevation). The roof would be hipped, encompassing the entire first floor part of the building and the height would be raised by xm to 9.2m. The roof would include a box dormer facing the rear and two rooflights (front and south side). The chimney would be retained and a hip roof would be constructed on top of the flat roof side garage/ store. The dwelling would have four bedrooms (five including the study) which would be an increase from the current three bedrooms. Internally the dwelling would undergo layout changes including a new staircase within the front extension.
- 1.2 Fenestration on the south side facing no. 31 would be a ground floor door (as existing), a high level window installed (replacing a first floor window) and a full height window for the staircase (near the front). The front elevation would have a front door with narrow full-height windows either side, a window on the ground floor and two windows on the first floor. At the rear, on the first floor there would be two windows and on the ground floor, there would be glazed doors with a window either side. On the rear of the single storey side extension, there would be a door and a window. On the north side elevation, the single storey extension would have two rooflights and there would be a high level window on the first floor. There would be an increase in hard-standing to the front to create space for an additional vehicle.

2 Site and Surroundings

- 2.1 The property is a detached house with an attached side flat roofed garage. It has a double bay under an over-hanging hip roof and a front catslide roof. The dwelling has sandy bricks and dark plain tiles.
- 2.2 The front boundary is open and there is a drive (space for one car) and lawn. Beside no. 27, there is a 1m high fence and beside no. 31 there is a 1.6m high fence with trellis. To the north side, the application property's garage forms the boundary. At the rear, with no. 31 is a 2m high fence (with trellis) above a retaining wall and with no. 27 there is a 2.2m high fence – both fences tier with the level of the land. There is a trellis fence 1.4m high on the rear boundary (over the boundary there is a hedgerow, planting and a garden hut).
- 2.3 Rivergreen Crescent slopes uphill in a southern direction, with no. 27 (house) set minimally lower and no. 31 (bungalow) located on land 0.2m – 0.4m higher than the site. The application property's roof height is similar to no. 27. The rear garden is at a lower level to the house/patio and has a slight slope downwards (north east).

2.4 No. 27 has no south side windows, whilst no. 31 has a garage/ store near the boundary (with one side obscurely glazed window).

3 Relevant Planning History

3.1 There is no relevant planning history.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan**

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

- Policy 17: Place-making, design and amenity

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

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

5 Consultation

5.1 Five neighbours were consulted twice. One objection was received to the first consultation. On the re-consultation, 12 comments were received, with 10 objections and 3 observations.

5.2 The objections can be summarised as follows.

- Non-compliance with the Broxtowe Local Plan Part 2 and NPPF due to loss of amenity (light) and sense of enclosure.
- Overshadowing of garden/property
- Loss of privacy
- Over-development – size/height
- Adverse impact on street scene/character due to increase in height, design (including angle of roof) and materials (render rather than brick)
- Majority of the properties in the Crescent have been extended but none have increased the overall height of the property.
- The houses were built individually which makes the crescent unique. Other extensions have kept the frontage in keeping with the style of the house. Number 29's frontage will go from having bay windows and sloping roof to a square box and square raised roof – bay should be retained

- Raising the roof height will create a precedent to raise height of properties within the vicinity.
- Inaccurate plans/description and misleading description – no mention of upward extension
- Lack of consultation
- Drainage – the living space will extend by approx. 60% with hard landscaping for the driveway. Rivergreen Crescent has issues with drainage with the properties being built upon clay. The drainage is particularly poor with flash flooding to gardens being a known issue - the developer should be required to install a SUDS system.
- Severn Trent should have been consulted regarding building over the drainage.
- Visual impact
- Electric vehicle charging point should be conditioned
- Lack of parking
- Energy Efficiency - if the EPC rating is currently F, then will there be a pre-occupation condition requiring proof of an A rating at the completion of the works
- Detrimental impact on house values.

6 Assessment

6.1 The main issues for consideration are the design of the extensions and the impact on neighbour amenity.

6.2 **Design**

6.2.1 In terms of mass and scale, it is considered that the extensions do not represent a disproportionate addition as the proposal would be no further to the front, rear or side than the existing building (albeit with a footprint increase). Whilst the ridge height would increase by 1.5m, this would be to the centre of the dwelling away from neighbouring properties and on a street where property heights step upwards. (with changing roof heights). The hipped roof and height increase are therefore considered to be acceptable. The height of the garage/store would be increased, with the new hip roof but the eaves height by the boundary (2.2m) would be maintained. This would also maintain a difference to no. 27 which is a two-storey detached house with a side gable roof, situated next to the retained side garage/store and no. 31 which is a bungalow (and at a higher level). Therefore, it is considered that there would be no terracing or cramped effect. The rear dormer has been set in from the sides of the roof and is ample distance from the roof ridge, it is therefore considered not to dominate the roof slope.

6.2.2 The development has been designed to provide improved internal amenity and additional bedroom space for a modern standard of living. This means that there would be a change to the external appearance of the property, which would have a visual impact on the existing character of the property and area. However, the property has changed relatively little since it was built and it is considered that the development would give the dwelling the facilities to provide a home for lifetime living, would improve access to the garden and provide direct access to the current side garage/store which is only accessible from the outside (and provide a utility room and downstairs bathroom). It is considered that the proposed design would

add to the prevailing individual character of dwellings and the extended dwelling would be no further forward than the existing building and would not harm the street scene.

- 6.2.3 The proposed materials are an off-white render finish (including to the existing brick – brickwork would remain exposed on the side (north) elevation of the single storey garage/ utility room) and charcoal grey tiles which are similar to existing. These materials are considered acceptable, as there is render on a number of properties on Rivergreen Crescent and surrounding streets and the use of render provides an efficient form of insulation. The materials will be conditioned including the render colour.

6.3 Amenity

- 6.3.1 Whilst the proposal would involve an increase in the overall roof height, this would be to the centre of the dwelling, with the current eaves height retained. The two storey rear extension would extend minimally beyond the current rear garage/ utility room. The two storey front extension would be no further forward than the existing front elevation (with the bay removed). Therefore, the proposal is considered sufficient distance away from the front and rear neighbours (including Denewood Avenue properties) to have no significant impact on their amenity.
- 6.3.2 The proposed rear dormer is no further to the rear than the existing building and does not directly face neighbouring rear properties. The application property is at a higher level when compared to the rear properties (as they are bungalows and at a lower level) and properties on Denewood Avenue are at a higher level. Therefore, it is considered that this would not impact upon the current situation and the dormer would have no significant impact on neighbouring properties (either to the rear or side).
- 6.3.3 No. 31 is a bungalow and has a garage store along the boundary with the site, is at a slightly higher level (0.2m to 0.4m) and is to the south. Therefore, whilst there would be some impact in terms of sense of enclosure due to the two storey rear extension extending beyond no. 31's rear elevation (by 2m), the extension would be 0.9m away from the boundary (and no. 31's garage/store is located xm from the boundary) and therefore is considered to have no significant impact on their privacy or light.
- 6.3.4 No. 27 is a detached house to the north of the site and has no side windows facing the site. This property has a side facing gable roof and therefore has a relatively high ridge height next to the boundary (even though this property is at minimally lower level than the site). No. 27 is situated at a slight angle to no. 29 and the rear two storey elevation of this dwelling is situated near the rear elevation of the site's garage/store (further into the rear garden). The proposed two storey front extension would be constructed beside the opposite boundary, the proposed two storey rear extension would be constructed minimally beyond the application property's rear garage/store (and therefore minimally beyond no. 27's rear elevation) and at an angle, slightly away from this boundary (with the garage/store in-between). The roof to the garage/store would be hipped and retain the current eaves height by the boundary. Therefore, it is considered that the proposed development would have no significant impact on no. 27.

6.4 Parking

- 6.4.1 The dwelling would have four bedrooms (five including the study) which would be an increase from the current three bedrooms. There would be additional hard-standing to the front providing one extra parking space and the garage would be retained. There are no on-street parking restrictions therefore it is considered that there is ample parking provision available.

6.5 Other issues

- 6.5.1 The description has been changed (to more fully reflect the proposal) and a re-consultation has taken place of adjoining neighbours (and neighbours opposite) therefore the Council has carried out its legal requirement for a neighbour consultation.
- 6.5.2 The site is not within a flood zone so it is considered unreasonable and unnecessary to condition the inclusion of SUDs, particularly as this is householder planning application where such measures are not a requirement. The wider surface water flooding issues in the area are a matter for the relevant authorities to deal with and are not a reason to refuse this application. There is no requirement to consult Severn Trent Water on householder planning applications as building over the drain is a matter covered by the building regulations.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would be extensions to an existing residential dwelling, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. The negative impacts would be the loss of part of the garden to development (but that is a paved area) and the increase in development near the boundary with no. 31, though these matters are considered to be outweighed by the benefits of the scheme and would not warrant a refusal.

8 Conclusion

- 8.1 Overall, it is considered that the proposal is acceptable, complies with Local Plan policy and the NPPF and that planning permission should be granted.



<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location plan and the Proposed Loft Floor & Roof plan received by the Local Planning Authority on 8 March 2021; the Proposed Block plan and the Proposed Ground Floor & First Floor plan received by the Local Planning Authority on 31 March 2021 and the Proposed Front Elevation & Section, the Proposed Rear & North Elevation and the Proposed South Elevation & Section received by the Local Planning Authority on 11 May 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development shall be constructed using tiles of a type, texture and colour so as to match those of the existing building and the existing/proposed elevations shall be finished in an off-white (colour) render (as per the approved elevations).</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the extended determination timescale.

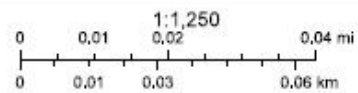
Site Map

29 Rivergreen Crescent



08/05/2021 17:16:13

-  Flood Zone 2
-  Flood Zone 3
-  Site



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Photographs



Front (west) elevation.



Front in context with neighbours.



Street scene.



Street scene (across highway from site).



Rear (east) elevation.



Rear (east) boundary.



Rear boundary with no. 31.



Rear boundary with no. 27.



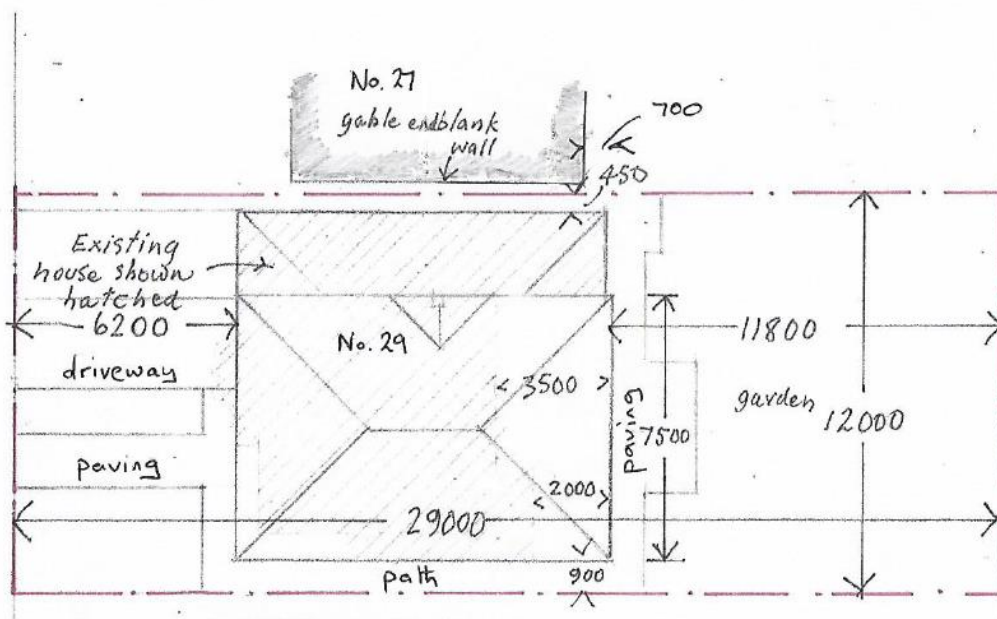
Rear boundary with no. 31 (and rear of properties on Denewood Avenue).



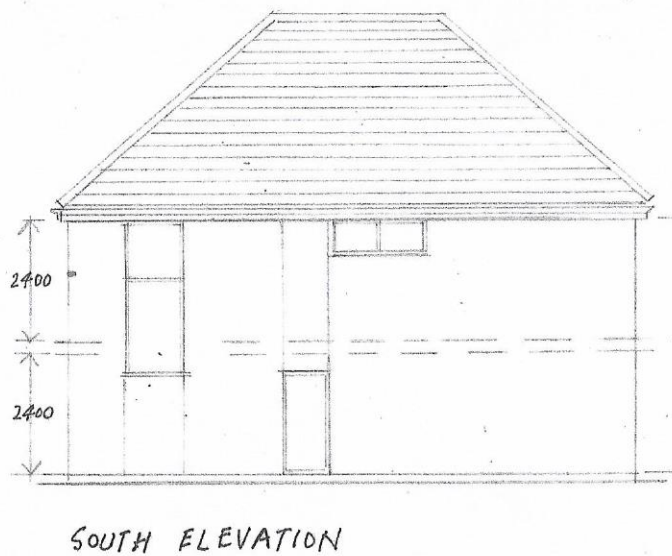
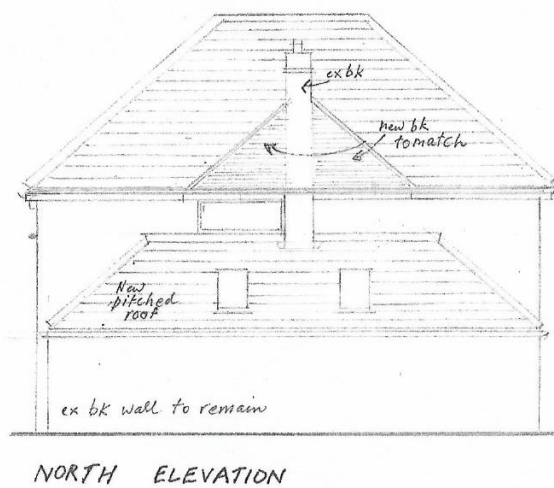
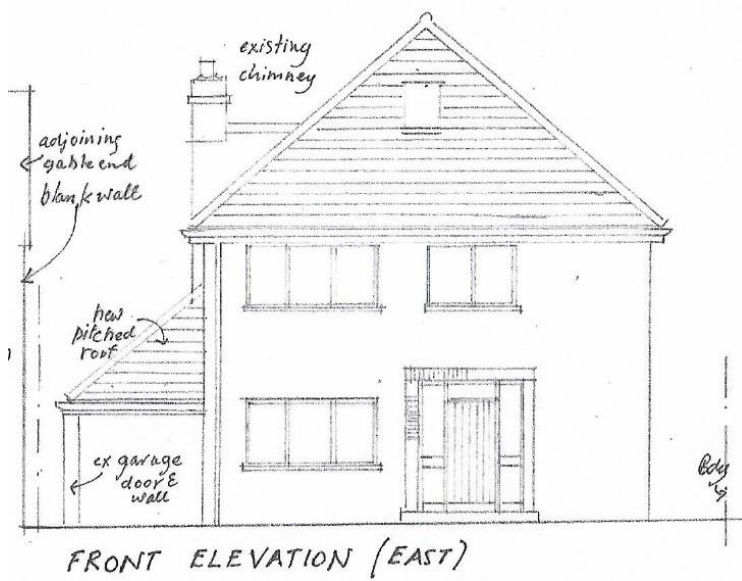
Side boundary with no. 31.

Plans (not to scale)

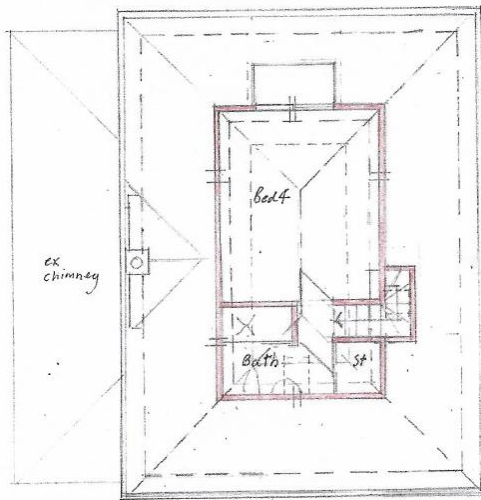
Site Plan



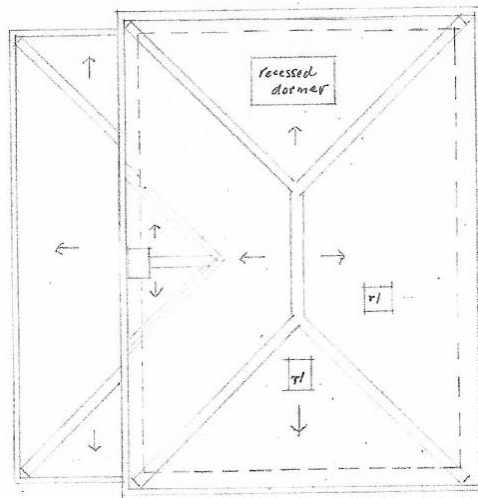
Proposed Elevations



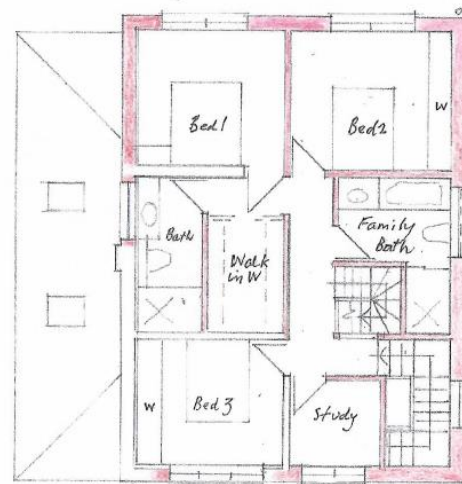
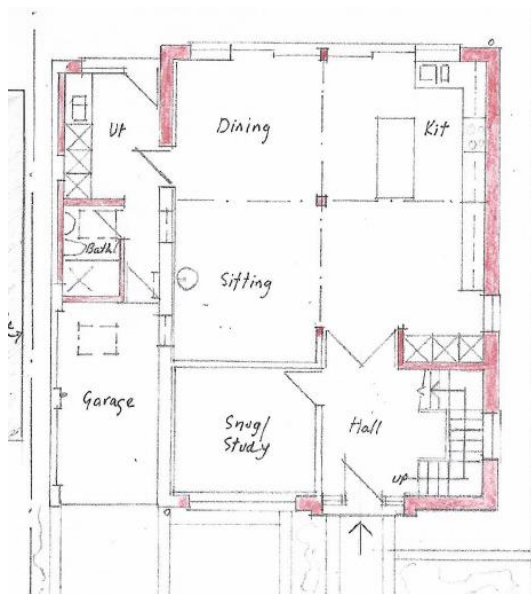
Floor and roof plans



SF PLAN



ROOF PLAN



FF PLAN

Report of the Chief Executive

APPLICATION NUMBER:	21/00096/OUT
LOCATION:	Land adjacent to 24 Princess Avenue, Beeston, Nottinghamshire, NG9 2DH
PROPOSAL:	Outline application with all matters reserved to construct detached dwelling

Councillor L A Lally has requested this application be determined by Planning Committee.

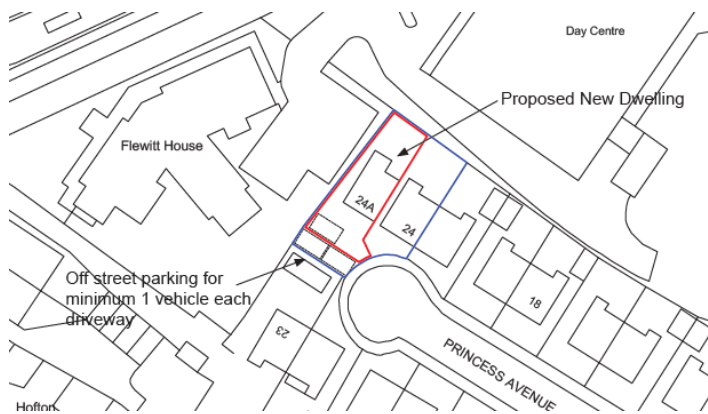
1 Executive Summary

- 1.1 The application seeks outline permission to create a new residential plot in no. 24 Princess Avenue's garden which would be occupied by a detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved. The indicative plan demonstrates one car parking space can be accommodated for the proposed dwelling and host dwelling.
- 1.2 An application was approved in December 2017 (17/00708/OUT) for a similar application. The only difference is the parking layout which is shown below. This application has been submitted as the previous permission has expired.
- 1.3 The main issue relates to whether the principle of a dwelling would be acceptable on this plot, the impact on amenity, parking and if it would be acceptable in flood risk terms.
- 1.4 The benefits of the proposal are that it would provide one additional unit which will contribute to the stock in the borough. Although there will be some impact on neighbour amenity, it is considered this will not be detrimental and is outweighed by the benefits of the scheme. On balance, the scheme is acceptable and should be approved.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

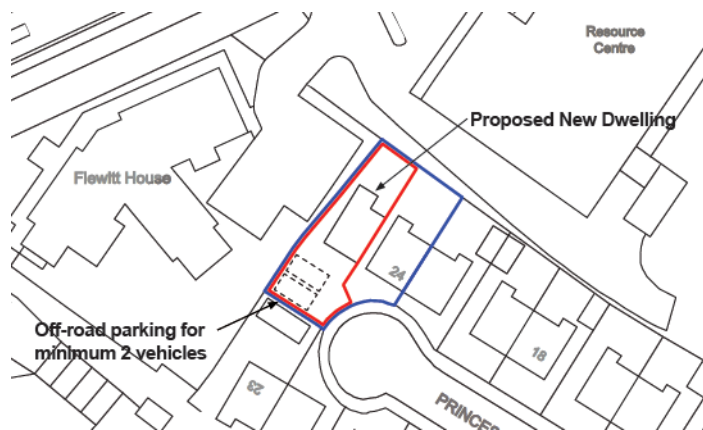
APPENDIX

1 Details of the Application

- 1.1 The application seeks outline permission to create a new residential plot in no. 24 Princess Avenue's garden which would be occupied by a detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved. The indicative plan demonstrates one car parking space can be accommodated for the proposed dwelling and host dwelling.
- 1.2 An application was approved in December 2017 (17/00708/OUT) for a similar application (the parking layout has been amended which is shown below). This application has been submitted as the previous permission has expired.



Proposed indicative layout 21/00096/OUT (each dwelling would have one off-road car parking space each)



Indicative layout for 17/00708/OUT (proposed dwelling would have two car parking spaces and the host dwelling, no parking)

- 1.3 The main issue relates to whether the principle of a dwelling would be acceptable on this plot, the impact on amenity, parking and if it would be acceptable in flood risk terms.
- 1.4 The benefits of the proposal are that it would provide one additional unit which will contribute to the housing stock in the borough. Although there will be some impact on neighbour amenity, it is considered this will not be detrimental and is outweighed by the benefits of the scheme. On balance, the scheme is acceptable and should be approved.

2 Site and surroundings

- 2.1 The application site comprises a semi-detached house with hipped roof, ground floor bay window and canopy roof. The garden is positioned to the side and rear. There is space for two cars to the front/side of the property (this will reduce to one space as one space will be allocated to the new property).
- 2.2 The site is enclosed by fencing, vegetation and a stone wall.
- 2.3 The site is relatively flat and located within mainly Flood Zone 2 and partly within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding.
- 2.4 Princess Avenue is characterised by semi-detached dwellings with hipped roofs. The site is within walking distance of Beeston town centre and regular bus and tram services. Flewitt House is a flat roof, two/three story block of student flats positioned to the north west and The Resource Centre is a flat roof, two story building positioned to the north east of the site. No. 22 Princess Avenue is the adjoining semi-detached property.

3 Relevant Planning History

- 3.1 Outline permission (with all matters reserved) (17/00708/OUT) was granted for one dwelling in December 2017. This permission was not implemented and has now expired.

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 1: Climate Change
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan**

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

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

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

5 Consultations

5.1 49 neighbouring properties were consulted on the application and three objections (one containing two photos showing parking on Princess Avenue) were received which can be summarised as follows:

- Loss of daylight
- Overlooked
- Loss of privacy
- Noise and disturbance from increase in residents
- Increase in pollution, noise, dust and debris
- Increase in parking on a road with insufficient parking
- Blocking access for emergency, delivery and social care vehicles
- Difficulty exiting driveway in car
- Main exit would be onto turning circle on Princess Avenue
- Turn into a building site
- The road is at capacity with residents due to houses in multiple occupancy
- Over development
- Insufficient space for a two storey dwelling
- Concerns the property will be a house in multiple occupancy
- Several other properties on road are being turned into or are already houses in multiple occupancy
- Light pollution
- Ruin community

5.2 **Environmental Health:** No objection. Advisories in respect of working hours and prohibiting burning waste on site.

5.3 **Environment Agency:** Only a small part of the site falls within Flood Zone 3, therefore, standing advice applies.

5.4 **Waste and Recycling:** advise bin requirements.

5.5 **NET:** no objection.

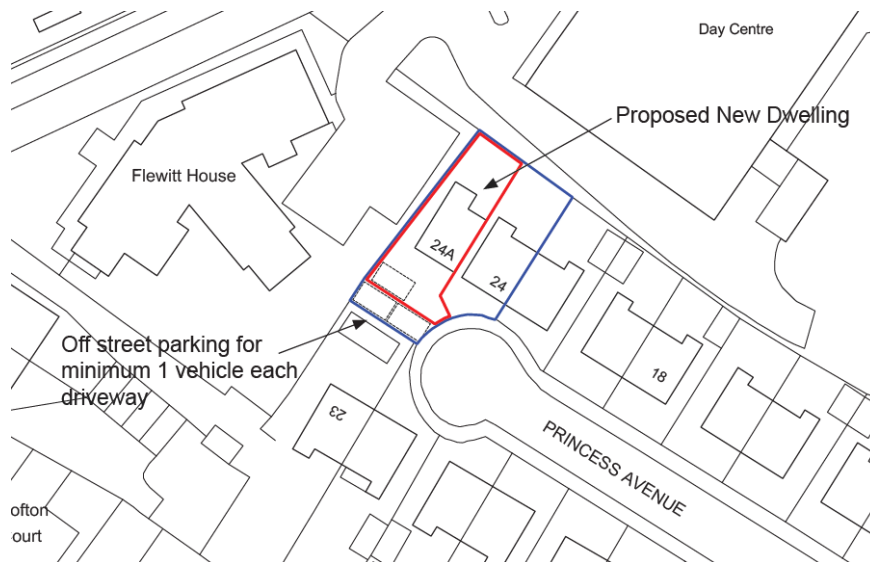
5.6 **Highways:** no objection. The car parking has changed slightly showing two vehicles in a tandem space, to the left of the parking area. This depth will only accommodate one, off-street parking space per dwelling. A condition is advised requesting further details on parking/turning facilities, access widths, gradients, surfacing, visibility splays and drainage as part of the reserved matters applications.

6 Assessment

6.1 The main issue relates to whether the principle of a dwelling would be acceptable on this plot of land, the impact on the occupiers of neighbouring properties and if the development is acceptable in respect of flood risk.

6.2 Principle

- 6.2.1 Notwithstanding the principle of developing within a Flood Zone, it is considered that the principle of a new dwelling in the garden of no. 24 Princess Avenue would be acceptable within this predominantly residential area which is in close proximity to sustainable transport links. Weight must also be given to the need to significantly boost housing supply, particularly within urban areas such as this. Whether there is sufficient space for a dwelling on the site and the impact it could have on the surrounding neighbouring properties will be addressed below.
- 6.2.2 It is considered the side garden of no. 24 is of an adequate size to accommodate a detached dwelling that would largely replicate the footprint of the host dwelling, provide adequate parking and private amenity space (whilst still retaining parking and a private rear garden for the host dwelling). It is considered the indicative layout plan successfully demonstrates that a dwelling could be accommodated on this site and would not appear out of character with surrounding plots.



- 6.2.3 Furthermore, an application for a very similar scheme (with the only change being the parking layout) was approved in December 2017 (17/00708/OUT). Whilst it is acknowledged this was never implemented and has now expired, it is a material planning consideration when determining this application.
- 6.2.4 The indicative plan demonstrates that each property could accommodate one off-street parking space and the site itself is located within walking distance of Beeston town centre and regular bus and tram services.
- 6.2.5 To conclude, the final design and layout would be matters to be assessed at the reserved matters stage but it is considered that the principle of a two storey, dwelling on this site would be acceptable, especially given the previously approved application.

6.3 Flood Risk

- 6.3.1 The site is relatively flat and located within mainly Flood Zone 2 and partly within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application.

Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.

- 6.3.2 Within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 The application site is located predominantly within Flood Zone 2 and a small proportion in Flood Zone 3 where there is a high risk of flooding. In line with the National Planning Policy Framework (NPPF), any application for residential development within Flood Zone 2 or 3 is subject to a sequential test. This test aims to steer new development to Flood Zone 1 where there is a lower probability of river or sea flooding.
- 6.3.4 A Flood Risk Assessment has been submitted which confirms that the proposed floor level of the dwelling would be 29.96m. According to the FRA, the expected flood level in the event of a 1 in 1000 year flood is 27m. Accordingly, the ground floor level of the proposed dwelling will be almost 3m above this level and therefore it is considered it would be safe from flooding. In addition, the FRA provides an escape route and confirms occupants would be advised to sign up to the EA flood warning system.
- 6.3.5 Taking these factors into account, it is considered that a sufficient assessment of alternative sites has been made given that a failure to permit small scale residential development on sites which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations including the Green Belt.

6.4 **Amenity**

- 6.4.1 No. 24 benefits from a fairly substantial sized garden that extends to the side and rear. The majority of dwellings on Princess Avenue have modest sized rear gardens. The addition of a new dwelling would mean no. 24's rear garden would be reduced to relatively the same size as the immediate neighbouring dwellings and is therefore considered to be acceptable. Satisfactory amenity space could be provided to the rear and side of the proposed new dwelling.
- 6.4.2 The indicative plan shows that the proposed dwelling will largely align with no. 24 and therefore it is considered it will have minimal impact on the amenity of the occupants of no. 22. No. 23 is positioned opposite the proposed dwelling and will be a substantial distance away that it is considered it will not have an adverse impact on the amenity of these occupants. It is considered no other surrounding neighbours will be adversely affected by the proposal of a dwelling on this site.

6.4.3 Flewitt House is a two/three storey block of flats positioned to the north west and due to its intervening car park, it is considered to be a sufficient distance from the proposed dwelling that it will not have a detrimental impact on the amenity of the future occupants of the dwelling and vice versa. The Resource Centre is located a sufficient distance away from the proposed dwelling and therefore it is considered it will not to be adversely affected.

6.4.4 It is considered a two storey dwelling on this plot would not cause an unacceptable amount of overlooking, loss of privacy or daylight. Whilst it is accepted there would be some increase in noise and disturbance from the construction of the property and increase in neighbours, the construction would likely be temporary and the noise from more residents would unlikely be significant.

6.5 Other Issues

6.4.5 Whilst there might be some increase in pollution, noise, dust and debris, it is considered this would not be significant enough to warrant refusal, furthermore, Environmental Health has not raised any concerns in relation to these matters.

6.4.6 Concerns have been raised in regards to Princess Avenue being subject to residential homes being converted into HMO's (house in multiple occupancy) and that this property would add to the loss of community. However, this application is for outline only and it does not state that the property, subject to a reserved matters application, would be converted into a HMO. Furthermore, there are no policies at present restricting properties being converted into HMO's of up to six unrelated occupants and refusing the application on this reason would be unreasonable, especially given the previously approved scheme on this site.

6.6 Parking

6.6.1 Concerns have been raised in regards to the increase in parking as a result of the additional property on this road. Whilst it is evident there would be an increase in parking, it is considered one parking space per dwelling (host and proposed dwelling), is acceptable and is not an uncommon situation in the borough or this area. Furthermore, the majority of properties on this road have on car parking space per dwelling and therefore refusing the application on insufficient parking would be unwarranted.

6.6.2 Whilst it is acknowledged this is relatively narrow road, it is also recognised there is no through traffic as it is a cul-de-sac. The addition of one property with one off-road car parking space is considered to be acceptable that it would not increase the amount of off-road parking to an adverse level that would cause significant highway safety concerns. As stated in paragraph 109 of the NPPF (2019), development should only be refused on transport grounds where the residual cumulative impacts are severe. In this circumstance it is considered the impact would not be severe and therefore should not be refused on this matter.

6.6.3 The Highways Authority has been consulted on this application and have raised no objection. There is no evidence to demonstrate there would be a highway safety issue as a result of approving this application. The Highways Authority has

requested further information to be submitted in line with a reserved matters application which is stated within the recommendation.

- 6.6.4 The site is within walking distance of Beeston town centre and is in close proximity to the tram and regular bus services along Queens Road. Car ownership associated with this property is likely to be low; however, one car parking space for property is considered to be acceptable.
- 6.6.5 Any cars that are parked illegally should be reported to the police.
- 6.6.6 To conclude, it is considered the parking is sufficient for this site given the location and proximity to sustainable transport links.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide an additional property in the borough which accords with policies contained within the development plan which is given significant weight. Whilst it is acknowledged there would be some impact on parking and amenity, these matters would be addressed in more detail with a reserved matters application but are considered to be outweighed by the benefits of the scheme.

8 Conclusion

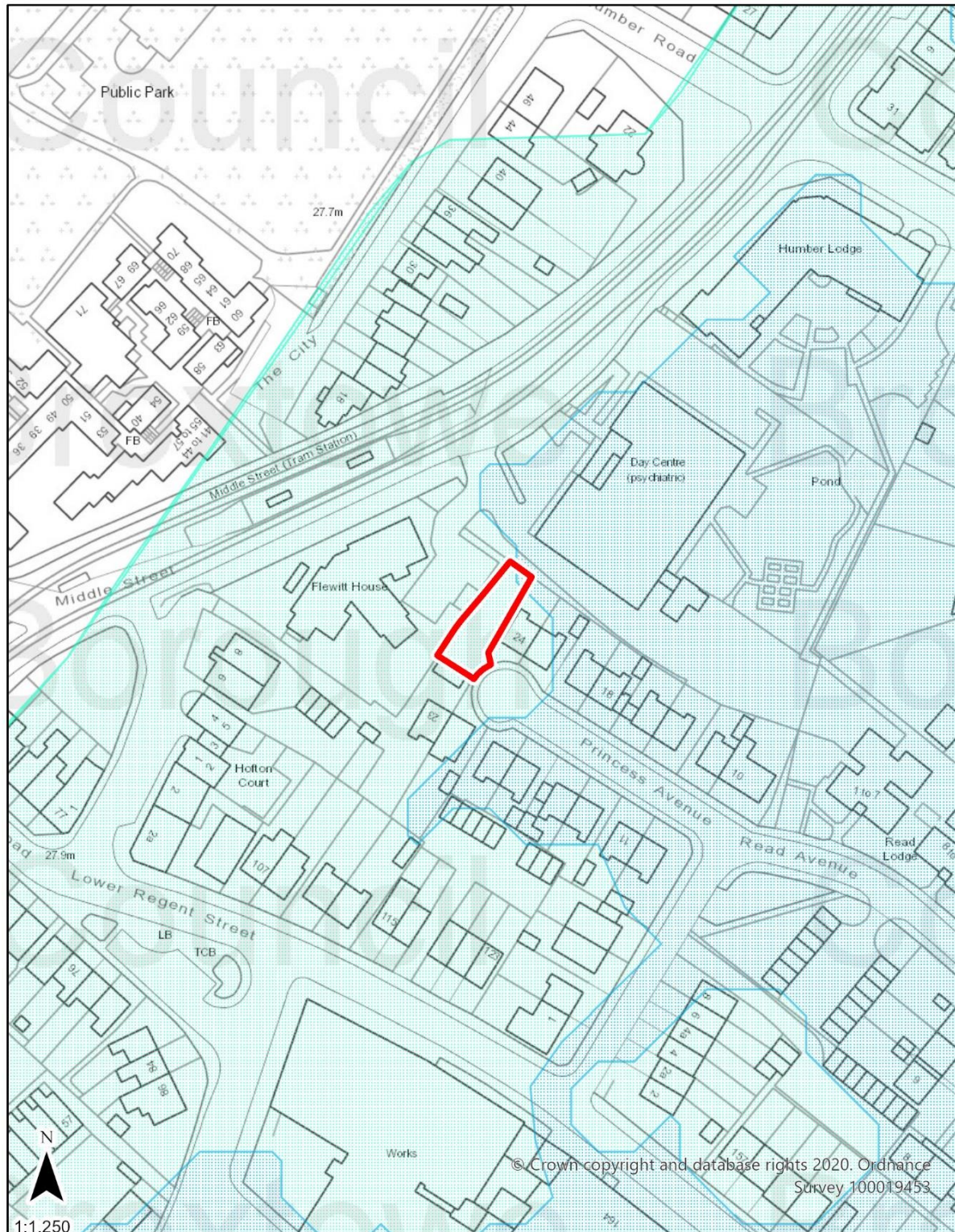
- 8.1 To conclude, it is considered the indicative plans demonstrate that a dwelling can be accommodated by subdividing the land of the host dwelling. Furthermore, it is considered that sufficient parking can be accommodated for each dwelling. It is considered the scheme is acceptable, especially given the approval for the 17/00708/OUT in December 2017 for a very similar scheme.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 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 commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>

3.	<p>The outline permission relates to the 1:500 Block Plan received by the Local Planning Authority on 2 April 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>Before any development is commenced detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <p>a) the means of access and parking provision within the site; b) the scale, layout and external appearance of the dwelling; c) the means of access and parking provision within the site; and d) the landscaping treatment of the site.</p> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.</i></p>
5.	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <p>a) access width; b) surfacing treatments; c) visibility splays; and d) drainage of parking areas</p> <p>The development shall be carried out strictly in accordance with the approved details and provided prior to the first occupation of the proposed dwelling.</p> <p><i>Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority. In the interests of highway safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policies 10 and 14 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.	Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00

	and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
3.	Burning waste on site is prohibited.
4.	The future owners/occupiers of the proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.
5.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Map



Legend

- Site Outline
- Flood Zone 3
- Flood Zone 2

Photos



South west (front) elevation of house



Driveway to the front/side of house



Side garden – position of proposed dwelling



Side garden – position of proposed dwelling

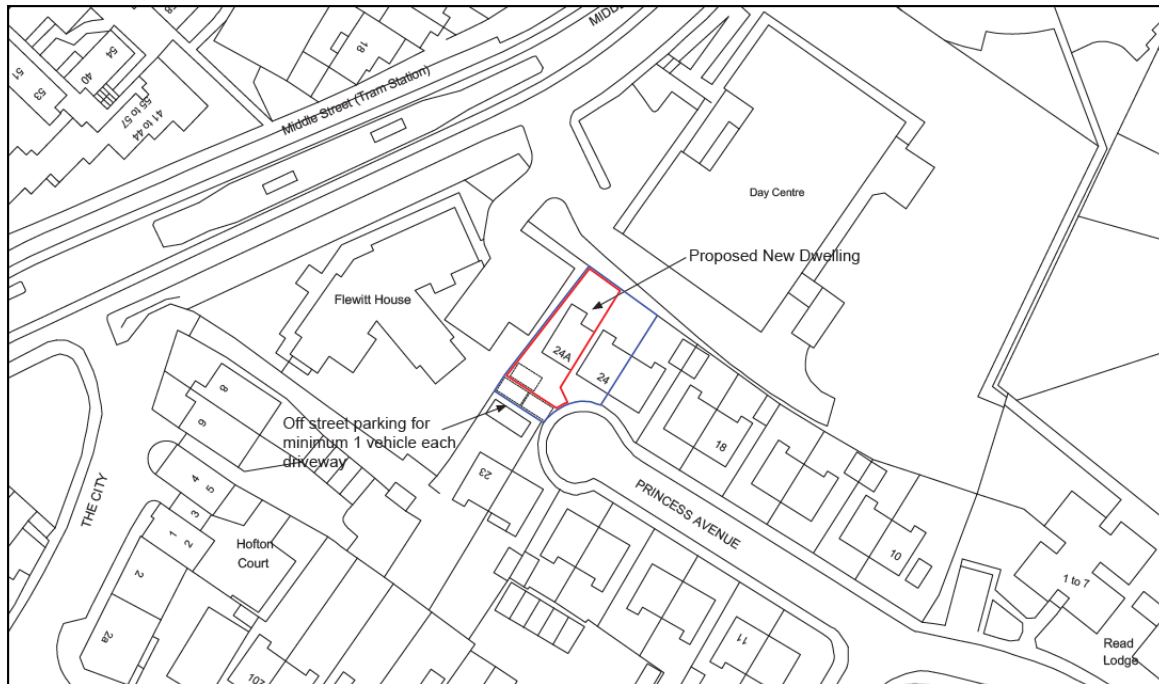


Rear garden of house



View of Princess Avenue

Plans (not to scale)



1:500 Block Plan of 24 Princess Avenue, Beeston,
Nottingham NG9 2DH

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BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
29 March 2021 TO 23 April 2021**

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL

DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

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

ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Mr & Mrs Coleson	20/00683/FUL
Site Address	:	11 Quorn Close Attenborough Nottinghamshire NG9 6BU	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Phill McNeil Home	20/00798/FUL
Site Address	:	82 Charles Avenue Chilwell Nottinghamshire NG9 5ED	
Proposal	:	Construct single/two storey side extension, porch, hip to gable roof extension, pitched roof over existing single storey flat roof extension and retain front bin store	
Decision	:	Conditional Permission	

Applicant	:	Mrs Richard Hutchinson	21/00011/ROC
Site Address	:	5 Hallams Lane Chilwell Nottinghamshire NG9 5FH	
Proposal	:	Variation of condition 2 and removal of condition 3 of application reference 19/00684/FUL (Construct garden room and retain side extension) to enable retention of front elevation roof windows	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Spink	21/00032/FUL
Site Address	:	20 Clarkes Lane Chilwell Nottinghamshire NG9 5BL	
Proposal	:	Construct first floor front and single storey side extensions and external alterations	
Decision	:	Conditional Permission	

Applicant	:	Mr and Mrs Andy Sutcliffe	21/00118/FUL
Site Address	:	8 Calvert Close Chilwell Nottinghamshire NG9 5HG	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Boulter	21/00129/FUL
Site Address	:	10 Siskin Close Bramcote Nottinghamshire NG9 3SX	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Mr D B Hayes	20/00755/CLUE
Site Address	:	Land East Of The Forge Trowell Nottinghamshire	
Proposal	:	Certificate of Lawfulness for an existing use of land to store tractors and other machinery	
Decision	:	Approval - CLU	

Applicant	:	Mr & Mrs J McCrellis	20/00850/FUL
Site Address	:	22 Smithfield Avenue Trowell Nottinghamshire NG9 3PD	
Proposal	:	Construct single storey side extension and loft conversion with rear dormer	
Decision	:	Conditional Permission	

Applicant	:	Dr C Jones	21/00067/FUL
Site Address	:	49 Church Lane Cossall Nottinghamshire NG16 2RW	
Proposal	:	Retention of wooden stable block (comprising of 12 x 12 stalls and a 6 x 12 tack shed and 6 x 12 hay store) with security cameras, flood lights and hardstanding	
Decision	:	Conditional Permission	

Applicant	:	Miss A Salmon	21/00138/PNH
Site Address	:	96 Ilkeston Road Trowell Nottinghamshire NG9 3PX	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.25 metres, and an eaves height of 2.65 metres	
Decision	:	PNH Approval Not Required	

BEESTON CENTRAL WARD

Applicant	:	Mrs P Marriott	20/00375/FUL
Site Address	:	25 Nether Street Beeston Nottinghamshire NG9 2AT	
Proposal	:	Construct single storey extension (to replace conservatory)	
Decision	:	Conditional Permission	

Applicant	:	Mr Greenfield KLG Rutland	20/00547/FUL
Site Address	:	The Mill 118 Queens Road East Beeston Nottinghamshire NG9 2FD	
Proposal	:	Subdivide building to form 4 units and change of use from storage and distribution (Class B8) to general industrial (Class B2) (units 1, 2 & 3) and office (Class E) (unit 4). External alterations including new openings. Construct bin and skip store. Erect 2.4m high fence and gates beside Evelyn Street. Demolish factory shop.	
Decision	:	Conditional Permission	

Applicant	:	Mr Jiangying Huang	21/00014/CLUP
Site Address	:	28 Salisbury Street Beeston Nottinghamshire NG9 2EQ	
Proposal	:	Certificate of Lawfulness for proposed change of use from dwellinghouse (Class C3) to HMO (Class C4) and loft conversion incorporating rear dormer	
Decision	:	Approval - CLU	

Applicant	:	Mr James Roberts JDR Holdings Ltd	21/00050/CLUP
Site Address	:	46 Queens Road East Beeston Nottinghamshire NG9 2GS	
Proposal	:	Certificate of lawfulness for proposed change of use to house in multiple occupation (use class C4) and construct single storey rear extension, loft conversion with new gable end and rear dormer	
Decision	:	Approval - CLU	

Applicant	:	Dr X Xuemin	21/00102/CLUP
Site Address	:	7 City Road Beeston Nottinghamshire NG9 2LQ	
Proposal	:	Certificate of Lawfulness for proposed change of use from dwellinghouse (Class C3) to HMO (Class C4) and loft conversion incorporating rear dormer	
Decision	:	Approval - CLU	

Applicant	:	Mr Phillip Gaskin	21/00106/FUL
Site Address	:	154 High Road Beeston Nottinghamshire NG9 2LN	
Proposal	:	Change of use from taxi office to retail (Class Ea)	
Decision	:	Conditional Permission	

Applicant	:	Mr Jerry Thatcher	21/00124/FUL
Site Address	:	37 Dovecote Lane Beeston Nottinghamshire NG9 1HR	
Proposal	:	Demolish existing garage and construct single storey side/rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr D So SO Tsang Properties Ltd	21/00157/PNH
Site Address	:	20 Fletcher Road Beeston Nottinghamshire NG9 2EL	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.00 metres, with a maximum height of 3.00 metres, and an eaves height of 3.00 metres	
Decision	:	Refusal	

BEESTON NORTH WARD

Applicant	:	Mr Otto Olah	20/00862/FUL
Site Address	:	41 Derby Road Beeston Nottinghamshire NG9 2TB	
Proposal	:	Construct/retain single storey rear extension and patio	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Nightingale	21/00080/FUL
Site Address	:	31 Muriel Road Beeston Nottinghamshire NG9 2HH	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Miss Qiaolin Xie Perry Road Properties Ltd	21/00081/CLUP
Site Address	:	6 Burrows Crescent Beeston Nottinghamshire NG9 2QX	
Proposal	:	Certificate of Lawfulness for proposed garden room to rear of property	
Decision	:	Approval - CLU	
Applicant	:	Mr & Mrs Burge	21/00089/FUL
Site Address	:	29 Cyprus Avenue Beeston Nottinghamshire NG9 2PG	
Proposal	:	Construct two storey side/rear extension and external alterations	
Decision	:	Conditional Permission	
Applicant	:	Alexia & Richard Ringrose & Reuss	21/00123/CLUP
Site Address	:	13 Kenilworth Road Beeston Nottinghamshire NG9 2HX	
Proposal	:	Construct single storey rear extension and garage conversion including raising ridge height of garage	
Decision	:	Withdrawn	
Applicant	:	Mrs G Woodland	21/00166/PNH
Site Address	:	72 Central Avenue Beeston Nottinghamshire NG9 2QP	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.7 metres, with a maximum height of 3.6 metres, and an eaves height of 2.4 metres	
Decision	:	PNH Approval Not Required	
Applicant	:	Mr Zarafat	21/00177/PNH
Site Address	:	37 Broadgate Avenue Beeston Nottinghamshire NG9 2HE	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.0 metres, and an eaves height of 3.0 metres	
Decision	:	Withdrawn	
Applicant	:	Mr A Qadri	21/00203/PNH
Site Address	:	87 Peveril Road Beeston Nottinghamshire NG9 2HU	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.30 metres, and an eaves height of 3.0 metres	
Decision	:	PNH Approval Not Required	
Applicant	:	Mr C Burton	21/00217/PNH
Site Address	:	25 Boundary Road Beeston Nottinghamshire NG9 2RG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.0 metres, and an eaves height of 3.0 metres	
Decision	:	PNH Approval Granted	

BEESTON RYLANDS WARD

Applicant	:	Mrs Helen Miller	20/00718/FUL
Site Address	:	9 Alford Close Beeston Nottinghamshire NG9 1QP	
Proposal	:	Retain gazebo for hot tub and outbuilding to operate as nail business	
Decision	:	Conditional Permission	

BRAMCOTE WARD

Applicant	:	Mrs J Warren	21/00035/FUL
Site Address	:	9 Claremont Avenue Bramcote Nottinghamshire NG9 3DG	
Proposal	:	Widen dropped kerb, relocate garden wall and construct garden room	
Decision	:	Conditional Permission	

Applicant	:	Christof Jaeger	21/00077/FUL
Site Address	:	21 Sloan Drive Bramcote Nottinghamshire NG9 3GL	
Proposal	:	Construct single storey front and two storey side extension	
Decision	:	Conditional Permission	

Applicant	:	Mr R Hurst	21/00087/FUL
Site Address	:	15 Moor Lane Bramcote Nottinghamshire NG9 3GE	
Proposal	:	Erect single storey rear extension (following demolition of conservatory)	
Decision	:	Conditional Permission	

CHILWELL WEST WARD

Applicant	:	Rachel Garton Wills	21/00048/FUL
Site Address	:	12 Leamington Drive Chilwell Nottinghamshire NG9 5LJ	
Proposal	:	Construct two storey front and side and single storey rear extensions	
Decision	:	Refusal	

Applicant	:	Mrs Marie Potts	21/00058/FUL
Site Address	:	3 Medway Close Chilwell Nottinghamshire NG9 5FS	
Proposal	:	Construct rear and side single storey extension	
Decision	:	Conditional Permission	

EASTWOOD HALL WARD

Applicant	:	Mr Hitesh Godhaniya	21/00083/FUL
Site Address	:	83 Mill Road Newthorpe Nottinghamshire NG16 3QE	
Proposal	:	Construct single storey rear storeroom extension and separate flat and shop into self contained units	
Decision	:	Conditional Permission	

EASTWOOD HILLTOP WARD

Applicant	:	Miss Deborah Brooks	21/00055/FUL
Site Address	:	2 Robin Hood Close Eastwood Nottinghamshire NG16 3LW	
Proposal	:	Construct attached garage	
Decision	:	Conditional Permission	

Applicant	:	Mr Martin Lee	21/00085/FUL
Site Address	:	22 Beauvale Rise Eastwood Nottinghamshire NG16 3FL	
Proposal	:	Construct two storey side and single storey rear extension	
Decision	:	Conditional Permission	

GREASLEY WARD

Applicant	:	Giltbrook Retail Park Nottingham Ltd	21/00125/FUL
Site Address	:	Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire	
Proposal	:	Construct retail concession pod (including associated plant equipment)	
Decision	:	Conditional Permission	

Applicant	:	Giltbrook Retail Park Nottingham Ltd	21/00126/ADV
Site Address	:	Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire	
Proposal	:	Install EE signage associated with retail concession pod	
Decision	:	Conditional Permission	

Applicant	:	c/o Agent DFS Trading Ltd	21/00149/FUL
Site Address	:	7/8 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP	
Proposal	:	Installation of mezzanine	
Decision	:	Conditional Permission	

KIMBERLEY WARD

Applicant	:	Mr A Widdowson	21/00034/FUL
Site Address	:	8 Gilt Hill Kimberley Nottinghamshire NG16 2GZ	
Proposal	:	Construct four storey side and rear extensions, two storey front extension and replacement front and side boundary (revised scheme)	
Decision	:	Conditional Permission	

Applicant	:	Richardson	21/00088/FUL
Site Address	:	19 Beverley Drive Kimberley Nottinghamshire NG16 2TW	
Proposal	:	Construct single storey side and rear extensions including conversion of part of rear garage (revised scheme)	
Decision	:	Conditional Permission	

Applicant	:	Mr S Corkish	21/00100/FUL
Site Address	:	2 Hanson Close Kimberley Nottinghamshire NG16 2NS	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

NUTHALL EAST & STRELLEY WARD

Applicant	:	Mr Wasim Tariq	21/00037/FUL
Site Address	:	25 Gloucester Avenue Nuthall Nottinghamshire NG16 1AL	
Proposal	:	Construct two storey side extension and single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Hood & Gregory	21/00116/FUL
Site Address	:	29 Temple Drive Nuthall Nottinghamshire NG16 1BE	
Proposal	:	Construct single storey front and rear extensions.	
Decision	:	Conditional Permission	

STAPLEFORD NORTH WARD

Applicant	:	Mr J Dinnigan	21/00120/PNH
Site Address	:	254 Pasture Road Stapleford Nottinghamshire NG9 8HA	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.0 metres, with a maximum height of 3.2 metres, and an eaves height of 2.25 metres	
Decision	:	PNH Approval Not Required	

Applicant	:	Mr M Barks	21/00165/PNH
Site Address	:	22 Hickings Lane Stapleford Nottinghamshire NG9 8PA	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.00 metres, with a maximum height of 3.85 metres, and an eaves height of 3,00 metres	
Decision	:	PNH Approval Not Required	

STAPLEFORD SOUTH EAST WARD

Applicant	:	Mr Richard Page Wildstone	20/00856/ADV
Site Address	:	Advertising Right Adjacent Horse And Jockey Horse And Jockey 20 Nottingham Road Stapleford Nottinghamshire	
Proposal	:	Display 1 illuminated 48-sheet digital advertising display, including removal of 4 illuminated 48-sheet signs	
Decision	:	Refusal	

TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mr Luke Marson	21/00039/FUL
Site Address	:	26 Carrfield Avenue Toton Nottinghamshire NG9 6FF	
Proposal	:	Retain single storey rear extension and render existing house	
Decision	:	Conditional Permission	

Applicant	:	Mr Adam Leverton	21/00063/FUL
Site Address	:	236 Stapleford Lane Toton Nottinghamshire NG9 6JE	
Proposal	:	Construct front and rear single storey extensions	
Decision	:	Conditional Permission	

Applicant	:	Mr and Mrs R Bilkhu	21/00070/FUL
Site Address	:	218 Stapleford Lane Toton Nottinghamshire NG9 6GB	
Proposal	:	Construct single/ two storey side and single storey rear extensions and alterations	
Decision	:	Conditional Permission	

WATNALL & NUTHALL WEST WARD

Applicant	:	Mr James Harper	21/00057/FUL
Site Address	:	11 Maple Drive Nuthall Nottinghamshire NG16 1EH	
Proposal	:	Construct two storey front extension	
Decision	:	Conditional Permission	

Applicant	:	Mr S Coulby	21/00091/CLUP
Site Address	:	7 Elm Avenue Nuthall Nottinghamshire NG16 1EZ	
Proposal	:	Certificate of lawfulness of proposed development to construct conservatory	
Decision	:	Approval - CLU	

Applicant	:	Miss G Vernon	21/00130/FUL
Site Address	:	10 Edward Road Nuthall Nottinghamshire NG16 1DB	
Proposal	:	Construct single storey side and rear extension and convert garage into habitable room	
Decision	:	Conditional Permission	

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