



Tuesday, 9 March 2021

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 17 March 2021 via Microsoft Teams, 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  
L A Ball BEM  
T A Cullen  
D Grindell  
M Handley  
R I Jackson  
R D MacRae

J W McGrath (Vice-Chair)  
P J Owen  
D D Pringle  
D K Watts (Chair)  
R D Willimott  
G Marshall

## AGENDA

1. APOLOGIES

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. NOTIFICATION OF LOBBYING

4. DEVELOPMENT CONTROL

4.1 Items deferred from the previous meeting

To consider any items that were not previously determined at the meeting of the Planning Committee on 10 March 2021.

- 4.2 APPLICATION NO 20/00541/FUL (if not determined at the Planning Committee meeting on 10 March 2021) (Pages 1 - 18)
- Construct 28 Dwellings  
42-44 Brookhill Leys Road Eastwood Nottingham NG16-3HZ
- 4.3 APPLICATION NO 20/00714/FUL (If not determined at the Planning Committee meeting on 10 March 2021) (Pages 19 - 30)
- Construct link extension and change use from residential (Class C3) to residential care home (Class C2)  
259 High Road Chilwell NG9 5DD
- 4.4 APPLICATION NO 21/00023/FUL (Pages 31 - 48)
- Construct stable extension, lion's den and erect 3m high internal fencing to extend wildcat enclosure.  
Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire.
- 4.5 APPLICATION NUMBER 20/00641/FUL (Pages 49 - 100)
- Construct 115 dwellings, associated infrastructure, attenuation pond and vehicular access from Cordy Lane.  
Land to the rear of Brinsley Recreation Ground, Church Lane, Brinsley
- 4.6 APPLICATION NUMBER 20/00056/OUT (Pages 101 - 146)
- 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 (Awsorth Bypass) and secondary access from Newtons Lane.  
Land West of Awsorth (inside The A6096), Including Land at Whitehouse Farm, Shilo Way, Awsorth
- 4.7 APPLICATION NUMBER 20/00820/FUL (Pages 147 - 158)
- Construct two storey side and rear extension  
18 Princess Avenue, Beeston

5. INFORMATION ITEMS

5.1 National Planning Policy Framework

Discussion on the draft text for consultation. The consultation proposals can be found on this website below.

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00541/FUL</b>
<b>LOCATION:</b>	<b>42 – 44 Brookhill Leys Road Eastwood Nottingham NG16 3HZ</b>
<b>PROPOSAL:</b>	<b>CONSTRUCT 28 DWELLINGS</b>

This item is brought to the Committee as it is a major application and there are issues in respect of viability.

1 Executive Summary

- 1.1 This application seeks planning permission for the construction of 28 dwellings and associated access road.
- 1.2 The application site was previously occupied by a variety of industrial buildings used in association with Belwood Foods, who have since relocated. These have now been demolished and removed from site following the granting of Prior Notification for demolition. A vacant detached two storey dwelling remains on part of the site fronting onto Newmanleys Road which will also be demolished as part of this application.
- 1.3 The benefits of the proposal are that the residential development would return a vacant brownfield site back into use and would also provide a 100% affordable housing scheme. The proposed dwellings are not considered to be harmful to the character of the surrounding area, or have an unacceptable impact on neighbouring amenity or highway safety.
- 1.4 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 This application seeks consent for the construction of 28 affordable dwellings on land formerly occupied by number a variety of industrial buildings and a dwelling. A central access road is proposed along with the mixture of 16 x 2 bed two storey dwellings and 12 x 3 bed two storey dwellings.

2 Site and surroundings

- 2.1 The site is predominantly surrounded by residential dwellings directly opposite to the north on Brookhill Leys Road, to the west on The Sycamores and to the east on Newmanleys Road. Land to the rear of the site is currently being built out for residential purposes by St Mowden Homes and directly opposite this development to the south east by Persimmon Homes.

3 Relevant Planning History

- 3.1 Prior to 2018, there has been no relevant planning history for the site. In 2019 outline planning permission was granted under reference number 18/00810/OUT with some matters reserved for residential development.
- 3.2 In 2020 Prior notification was granted under reference number 20/00367/DEM for the demolition of the previous industrial buildings which occupied the site.

4 Relevant Policies and Guidance4.1 **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 mix and choice
- Policy 10 – Design and enhancing local identity
- Policy 14 – Managing travel demand
- Policy 16 – Green infrastructure, parks and open spaces
- 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 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 32 – Developer Contributions

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

4.3.1 The National Planning Policy Framework (NPPF) 2019, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- 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 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.

**5 Consultations**

5.1 **Environmental Health** – No objections subject to a condition relating to all necessary remedial measures having been completed and certified to the satisfaction of the LPA.

5.2 **The Council’s Parks and Environment Manager** confirms that full developer contributions would be sought for open space.

5.3 **Highway Authority** - Originally requested amendments as the proposed layout failed to comply with standards set out in the 6 Council’s Design Guide. Amended plans were submitted and the Highway Authority offer no objections to the proposed development subject to conditions.

5.4 **Lead Local Flood Authority** – No objections based on the information submitted.

5.5 **The Coal Authority** – Raise no objections subject to the inclusion of an informative note to be included within the decision notice regarding the Coal Authority’s standing advice.

5.6 **Nottingham University Hospitals NHS Trust** – Request contributions to ensure health services are maintained.

5.7 **NHS Nottingham West CCG** – Request contributions to ensure health services are maintained.

5.8 **Nottinghamshire County Council** - Request contributions via a S106 Agreement for bus stop improvements and education contributions.

- 5.9 **Cadent Gas** – Raise no objections subject to an informative note relating to the developer’s responsibilities and obligations regarding gas service pipes and related apparatus.
- 5.10 **Nottinghamshire Police** – Raise no objections and advise that there is no reason to suggest the development will be of detriment to existing properties and the layout of the dwellings is well-designed from a security aspect.
- 5.11 Neighbours were consulted on the application along with the posting of two site notices around the site. During the course of the application, two letters were received raising objections in respect of loss of privacy.
- 5.12 **Housing Services and Strategy Manager** – Raises no objections and welcomes the development of new affordable housing in Eastwood.

## 6 Assessment

6.1 The main issues relating to this application are the principle of development, design and the impact upon visual amenity of the area, residential amenity, highway safety and viability. These are discussed in turn as follows:

### 6.2 **Principle**

6.2.1 The application site is located in a sustainable urban, residential area within Eastwood. The site is currently vacant following the recent demolition of the industrial buildings which previously occupied the site. The principle of the development of the site for residential purposes is considered acceptable, subject to the consideration of other material planning considerations.

### 6.3 **Design**

6.3.1 The housing stock in Eastwood is generally mixed in character with the older housing stock largely being terraced properties and newer developments consisting of semi – detached and detached properties. Directly opposite the site and to either side of the access road on Brookhill Leys Road there is a mix of detached and semi-detached two storey dwellings. To the west on The Sycamores these dwellings are detached and single storey in nature. Immediately to the east on Newmanleys Road there are two storey detached dwellings.

6.3.2 The scheme layout has been designed with plots addressing the frontage of Brookhill Leys Road and Newmanleys Road. To the east of the access road off Brookhill Leys Road leading into the site plots 1 – 5 will consist of a row of two storey terraced dwellings. To the east of the access road two semi-detached dwellings are proposed plots 6 - 7. These properties will consist of gable ends with doors and window openings to the front and the side elevations addressing both the street frontage of Brookhill Leys Road and the new access road. Feature gable are also proposed to the front of plots 1, 5 and 7 to add a feature to the front elevations of these properties and break up to brick work. Parking is proposed to the front of the plots with the provision of landscaping to address the street scene of Newmanleys Road. Gardens are proposed to the rear these plots facing into the site.



- 6.3.3 Within the site the remaining plots 8 – 25 have been well spaced out in the form of semi – detached dwellings and rows of three/four terraced blocks. Parking spaces are proposed to either the front or side of the plots along with the provision of landscaping and garden areas to the rear. The design of the plots are similar to plots 1 – 7 with gable ends and gable features to the front. In addition, plots 26 – 28 are to be situated fronting onto Newmaleys Road and again of similar design and layout to the previously mentioned plots in terms of driveways, landscaping and garden areas.
- 6.3.4 The house types are relatively simple and modest in their form and massing, with a mixture of gable ends to the front of the various plots and the use of different materials to help break up the brickwork and add interest to the different elevations of the properties. Information submitted during the processing of the application indicates the use of a mix of Wienerberger Tabasco Red and Sunset Red multi bricks and a mixture of Russell Lothian slate grey and cottage red tiles. The use of these materials is considered acceptable given the existing palette of materials used in the surrounding area.
- 6.3.5 In respect of boundary treatments, the boundaries which adjoin the access road into the site and the plots which have gardens backing onto the road within the site will consist of a 1.8m high brick screened wall. Between each individual plot 1.8m high close boarded timber fencing will be provided. Existing boundary treatments surrounding the site serving existing dwellings will remain.
- 6.3.6 It is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

#### 6.4 Amenity

- 6.4.1 Objections have been received from neighbouring properties in respect of loss of privacy.
- 6.4.2 To the front of the site there are 7 plots proposed. These plots will be set back from the street frontage of Brookhill Leys Road by approximately 7m. Directly opposite the site there are residential dwellings set back from the main road of Brookhill Leys Road, with a separation distance of approximately 26m. Along the frontage of these properties there are established boundary treatments in the form of walls/hedgerows. The proposal is not considered to have an adverse impact upon the residential amenity of these neighbouring properties in respect of overlooking, overbearing or noise impacts due to the separation distances.
- 6.4.3 To the east of the site fronting Brookhill Leys Road there are 4 two storey dwellings numbers 34 – 40 which are set back from the main road and are served by long linear gardens. Plot 7 will be set back from the front of number 40, with a gap of 1.9m between this existing property and the front of plot 7 and this property and will extend further back by approximately 3m of number 40, with the boundary tapering away to a distance of 3.8m. There is currently a flat roof garage to the side of number 40, with the only side facing window being a landing window. Along the boundary there is an existing 2 m high wall which remains. The only windows within the side facing elevation of plot 7 are a small low level living

room window and a small bathroom window. It is not considered there will be any overlooking or overbearing issues upon the residential amenity of this property.

- 6.4.4 As a general rule it is usually considered that gardens serving new dwellings should have a minimum depth of 10m, not only because of the desire to create an adequate separation distance between neighbouring properties (of particular relevance here due to level differences), but also to ensure that there is an acceptable amount of usable amenity space.
- 6.4.5 Directly to the west of the application site there are existing residential dwellings located on The Sycamores. Number 1 The Sycamores is situated backing onto the rear gardens of numbers 34 – 40 Brookhill Leys Road and it is considered there is an adequate separation distance between plots 8 – 9 in excess of approximately 30m to mitigate against any potential overlooking issues upon this property. Whilst the gardens to numbers 2 and 3 The Sycamores back onto the garden areas of plots 12 – 14, these plots are served by garden depths in excess of 11.5m. In addition, numbers 2 and 3 are also served by long depths of approximately 19m in depth. It is not considered there will be any significant detrimental impact upon these properties in terms of overlooking or overbearing issues.
- 6.4.6 Within the street scene of Newmanleys Road there are existing two storey dwellings, which again are served by long depths in excess of 20m. In addition, plot 21 is set in from the boundary by 6.5m. In terms of the relationship of the proposed dwellings to these properties, the side elevation of Plot 21 will be facing the rear gardens and elevations of these properties, with the only side facing windows proposed being a small low level lounge window and first floor bathroom window. Plots 26 – 28 are proposed to be located to the side of number 6 Newmanleys Road, with a separation distance of 1.5m tapering in to the rear to 1m. Whilst there are windows in the side elevation of number 6, there is already a dwelling sited within this and again the only windows proposed in the side facing elevation are a small lounge window at ground floor level and small bathroom window. It is not considered there will be any significant detrimental impact upon these properties in terms of overlooking or overbearing impacts.
- 6.4.7 To the rear of the site there is a new residential development currently being built out on the site by St Mowden Homes. Whilst some of these dwellings are to be located overlooking the application site, careful consideration has been given to the layout of the development with only plots 14, 15 and 25 side facing onto these dwellings. Along the boundary there is a new 1.8m high close boarded timber fence. Again, careful consideration has been given in relation to the siting of side facing windows with only the previously mentioned small windows at ground and first floor level serving a lounge and bathroom. It is not considered there will be any significant detrimental impact upon the future occupiers of these properties in terms of overlooking or overbearing impacts.
- 6.4.8 The impact upon all other adjacent properties is considered acceptable due to the siting and distance of the proposed dwellings to the neighbouring properties.

## 6.5 Access

6.5.1 Access into the site is proposed via a new driveway leading into the site opposite Addison Villas. Adequate parking provision is proposed for each of the dwellings, with 2 bedroom plots being served by 1 space and 3 bedroom plots being served by 2 spaces. The Highway Authority offer no objections to the proposal subject to conditions relating to the closing of existing dropped kerb openings on Newmanleys Road, driveways being surfaced in a bound material and details of wheel washing facilities. It is considered there are no highway safety issues relating to this application.

## 6.6 Developer Contributions

6.6.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategies requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

6.6.2 Full open space contributions of £41,235.04 have been requested for the provision of capital and maintenance contributions to fund improvements to Coronation Park or Hall Park.

6.6.3 Nottinghamshire County Council have requested contributions of £3,00.00 towards bus stop improvements. A further request of £121,255 as also been requested towards secondary education provision in the Broxtowe North Planning Area.

6.6.4 A request has been made by Nottingham and Nottinghamshire NHS Clinical Commissioning Group for a contribution of £14,235.04 towards new surgery projects in the area.

6.6.5 A request has been made from Nottingham University Hospital NHS Trust for a contribution of £27,300.00 which would be used directly to provide additional health care services to meet patient demand. However, as the site is providing an 100% affordable housing scheme this request cannot be justified, since the development is required in order to meet a housing need figure included in the Development Plan, which has been consulted upon with relevant health providers at the time of production, and which was subject to Public Examination and as such will not be considered necessary in order to make the development otherwise S106 compliant.

6.6.6 A viability appraisal has been submitted on behalf of the applicant and this concludes that the development would not be viable as the scheme is to be 100% affordable housing if all of the above contributions were to be paid. An independent assessor has assessed the viability appraisal and concludes that the development is capable of providing up to £48,000 of Section 106 Contributions. As such, it is proposed this figure will be used to meet the requirements of the Primary Health Care contributions of 14,088.75, with the remainder being split equally between Open Space and Education at an amount of £16,955.63 each.

6.6.7 Should a 3<sup>rd</sup> of each of the above mentioned financial contributions be requested, this would equate to £13,745.01 towards Public Open Space, £40,418.33 towards Education and £4,745.01 towards the NHS, totalling £58,908.35, which would be greater than the viability appraisal states would be viable.

## **6.7 Other Issues**

6.7.1 Whilst Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application and based on the submitted Drainage Strategy raise no objections, a condition is requested for the submission of a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy.

6.7.2 In support of the application, a Phase I and Phase II Geo-Environmental Assessment has been submitted given the previous industrial use of the site. Whilst the Environmental Officer raises no objections, a pre-commencement condition has been requested to agree how soil contamination and gas protections requirements will be mitigated against.

6.7.3 In view of the above request for pre-commencement conditions, the applicant's agent has agreed to the conditions to be attached to the decision notice.

## **7 Planning Balance**

7.1 On balance this scheme would enable the provision of 100% affordable housing development of 28 dwellings to be constructed on a currently vacant site, which would both enhance the environmental quality of the area, and reduce pressure for housing development elsewhere. The scheme complements the existing built form of the area, without impinging on amenity of those residents currently bordering the site. There are no significant constraints to developing this site that cannot be addressed by conditions, and on balance therefore, it is considered the scheme is acceptable.

## **8 Conclusion**

8.1 Having regard to all material considerations, the proposed development is required to assist in meeting the borough's overall housing requirement. As the site is located in the main built-up area, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions and the

completed S106 agreement to secure the delivery of an 100% affordable housing scheme, open space, education and NHS contributions.

<b><u>Recommendation</u></b>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</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 drawing(s) numbered Site Location Plan, 1: 1250, Plots 1 – 5 Elevations/Floor Plans, DB/RB/20/21/03, Plots 6 – 9 Elevations/Floor Plans, DB/RB/20/21/04 and Plots 12 – 14 Elevations/Floor Plans, DB/RB/20/21/06 received by the Local Planning Authority on 13 August 2020, External Materials Specification received by the Local Planning Authority on 08 December 2020, Site Block Plan 1: 500, DB/RB/20/21/02D, Plots 19 – 21 and 26 – 28 Elevations/Floor Plans, DB/RB/20/21/08 and Plots 22 – 25 Elevations and Floor Plans, DB/RB/20/21/05A received by the Local Planning Authority on 17 November 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved 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 include:</p> <ul style="list-style-type: none"> <li>● Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA,</li> <li>● 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.</li> </ul> <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major</i></p>

	<i>developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i>
4.	No part of the development hereby permitted shall be brought into use until the off-site footway works as shown for indicative purposes only on the drawing entitled 'Proposed Site Block Plan', drawing no. DB/RB/20/21/02 D have been provided. <i>Reason: In the interest of highway safety.</i>
5.	The approved landscaping identified on drawing number DB/RB/20/21/02D received 30 September 2020 shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), 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. <i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i>
6.	No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road. <i>Reason: In the interest of highway safety.</i>
7.	No part of the development hereby permitted shall not be brought into use until the drive and parking area has been surfaced in a hard bound material (not loose gravel), so has to prevent the discharge of surface water and materials therefrom onto the public highway and shall be retained thereafter. <i>Reason: To ensure deleterious material/surface water from the site is not deposited on the public highway causing dangers to road users.</i>
8.	No part of the development hereby permitted shall be brought into use until the dropped kerb accesses on Newmanlays Road that have been made redundant as a consequence of this permission are permanently closed and reinstated to footway. <i>Reason: In the interests of Highway safety.</i>
9.	No part of the development hereby approved shall be commenced until:  a) A Remedial Method Statement has been submitted to and approved in writing by the Local Planning Authority. The report



	<p>shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details 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 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 interest of public health and safety.</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.</p>
<p>2.</p>	<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:</p> <p><a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
<p>3.</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 applicant should note that notwithstanding any planning</p>

	<p>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>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 and S278 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>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 before any work commences on site. Please contact <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a> for details.</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. Please contact <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a> for details.</p>
4.	<p>Given the proximity of the site to other 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 bonfires on site at any time.</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 an associated S106 legal agreement with this development dated, and this decision should be read contemporaneously with such.</p>





**Legend**

-  Site Outline
-  Local Wildlife Site

**Photographs**

View from the east within Brookhill Leys Road.



View from the west within Brookhill Leys Road.



Views of the site.



West boundary of site with No:40 Brookhill Leys Road.



East boundary with properties located on Newmanleys Road.



Existing dwelling to be demolished on Newmanleys Road to be replaced by row of three terraced properties.



Residential developments to the rear of the site.

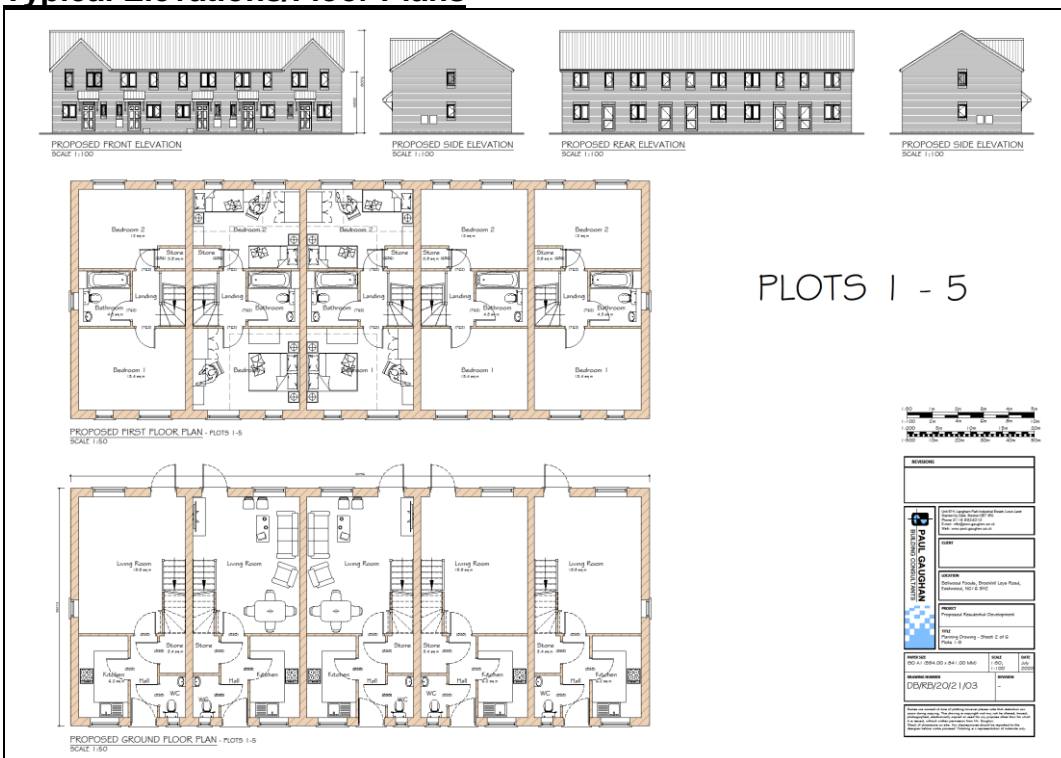


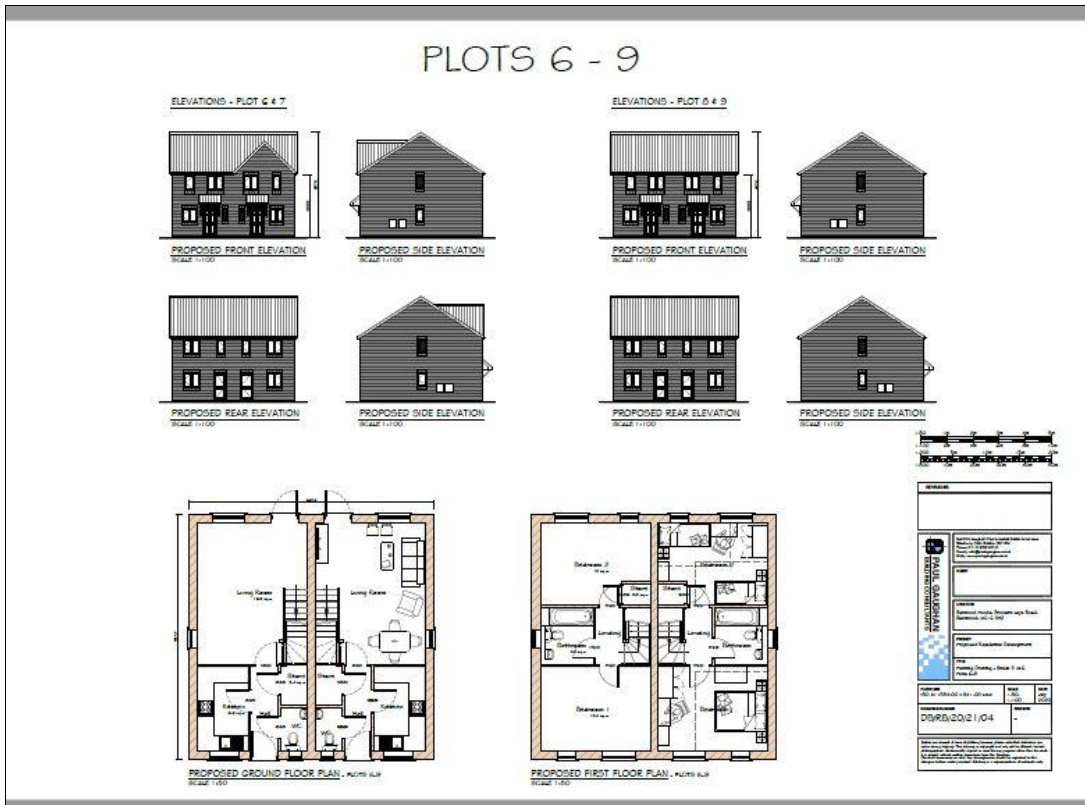
# Plans

## Proposed Site Layout Plan



## Typical Elevations/Floor Plans





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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00714/FUL</b>
<b>LOCATION:</b>	<b>259 High Road Chilwell NG9 5DD</b>
<b>PROPOSAL:</b>	<b>Construct link extension and change use from residential (Class C3) to residential care home (Class C2)</b>

The application is brought to the Committee at the request of Councillor Cullen.

1 Executive Summary

- 1.1 The application seeks planning permission for a single storey link extension between 259 High Road and the Landermeads complex; and a change of use of 259 High Road to a residential care home, in association with Landermeads.
- 1.2 The site currently comprises of a two storey semi-detached dwelling, and is located in the Chilwell Conservation Area.
- 1.3 The main issues relate to whether the principle of the change of use and the extension would be acceptable, if there would be harm to the character and appearance of the conservation area and to the setting of the Listed Building, and whether there will be an unacceptable impact on neighbour amenity and highway safety.
- 1.4 The benefits of the proposal are the retention of the building as a residential use, and the provision of targeted accommodation to the benefit of the existing care home residents and compliance with policies contained within the development plan. This is given significant weight. There would be the potential for an impact on designated heritage assets 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 conditions outlined in the appendix, and subject to no additional responses being received post committee.

## Appendix 1

1 Details of the Application

- 1.1 A brick built, flat roof link extension, with a footprint of 1.95m x 2.6m, and having a lantern style roof light, is proposed to be constructed between 259 High Road and the north east elevation of the Landermeads Care Home. A change of use of 259 from residential (Class C3) to a three-bedroom residential care home (Class C2), associated with Landermeads, is proposed.
- 1.2 259 High Road would be used as a semi-independent living unit for the use of residents of the care home, in an assisted living environment.

2 Site and surroundings

- 2.1 259 High Road is a two storey semi-detached property with a small front garden, enclosed by a low brick wall. Access to the rear garden and outbuildings is via a path to the south west side of the property.
- 2.2 255 High Road is the attached semi, to the north east of the site.
- 2.3 To the south west and wrapping round to the rear (south east) is the Landermeads Nursing Home complex. It is understood that the nursing home specialises in dementia care. Landermeads consists of the original house called The Meads, a Grade II listed building, which was a farmhouse originally, and is to the south west of the site. Fronting High Road, and between The Meads and the application site, is a gabled wing to the house, which has the appearance of a former barn or stables. The 'Meads' has been altered and extended such that there is a modern two storey wing to the rear of this lower height building, set away from the boundary with the application site for the most part. A glazed link is between this and the original house, and also linked to a larger single storey extension to the rear of that, which continues along the north east boundary and to the south east boundary of the Landermeads site. A parking area is to the south west of the nursing home site, accessed from High Road.
- 2.4 Opposite the site there are two dwellings, 228 High Road, a Grade II Listed Building, which is a two storey detached building set back from the road, and 226 High Road to the east of this, which is also a two storey detached dwelling, although this is set forward of its neighbour.
- 2.5 High Road itself at this point is relatively narrow, having a village character. The site is within the Chilwell Conservation Area.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site. However, the following planning history for Landermeads is considered relevant:



- 3.2 In 1987, planning permission was granted for the change of use of The Meads to a nursing home and to form a car park and vehicular access. Reference 87/00479/FUL.
- 3.3 In 1992, planning permission was granted for the construction of an extension to create 35 additional bedspaces. Reference 92/00580/FUL.
- 3.4 In 2000, planning permission was granted to construct two storey and single storey extensions, creating an additional 16 bedspaces. Reference 00/00848/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 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 9 – Promoting sustainable transport.
- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment

5 Consultations

5.1 **Council’s Conservation Adviser:** the proposed structure is set back from the street and would not be visually prominent. It appears to be connected to a previous link structure rather the front section of the Listed Building. Would suggest that the link could be ‘lighter weight’ for example more glazing, which would reflect that used in a previous extension on the site. However, this would not be a reason for objection, but is something that should be acknowledged. The choice of a lighter material would allow for the two buildings to have a clear distinction and may also appear more ‘temporary’ in nature, giving the ability to convert the dwelling back to a single unit should the requirement change.

- 5.2 **Council's Environmental Health Officer:** No objection, subject to notes to applicant in respect of sound insulation; contractor hours; and no bonfires on site.
- 5.3 **County Council as Highway Authority:** No concerns regarding the proposal. Note that the existing dwelling has no off-street parking and the occupants would therefore choose to park outside the dwelling on High Road, which has no traffic regulation orders. The proposal to convert the dwelling with link to the existing care home to provide an additional three bed spaces would generate the demand for one additional space as opposed to the generation of two spaces for the current use. The road safety team report no injury accidents on High Road between Bye Pass Road and School Lane, between 01.01.17 and 30.09.20. Consultations are ongoing in respect of proposals for Traffic Regulation Orders within the vicinity of the site.
- 5.4 Three properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. 13 objections were received, on the following summarised grounds:
- the nursing home has expanded without provision of parking facilities for staff and visitors, which has resulted in increased on-street parking on the High Road, causing congestion, and restriction of access/egress to neighbouring drives.
  - This stretch of High Road is narrow, with footways either side being inadequate or absent, and is a bus route with frequent service. Vehicles coming along the High Road often go over the speed limit. This poses a danger to pedestrians and will worsen as more cars park on the road.
  - Efforts by local residents to get parking and speed restrictions on this stretch of High Road have been unsuccessful
  - Parking by staff and visitors on The Close causes an obstruction at the junction of High Road
  - Additional expansion without further consideration of road layout, pedestrian crossing or traffic calming is reckless
  - Whilst the proposal doesn't appear to increase the amount of residents living in the home (overall), the type of care may increase staff numbers
  - Landermeads is overdeveloped and in the wrong location. This is a highly developed residential area and there is no land to expand further
  - the car park is inadequate for the needs of the home
  - The road flooded last year, as the drains were blocked, due to cars being parked on the road and as such the road-sweeper cannot clean that side of the road to keep the drains free of leaves and debris
  - Nearby residents are being deprived of our amenities due to volume of parking at present. Street cleaning, refuse collection and emergency services can all be hampered.

## 6 Assessment

- 6.1 The main issues for consideration are the principle of the change of use and whether the proposal would have an impact on heritage assets, neighbour amenity and highway safety.

## 6.2 Principle

- 6.2.1 The proposed use of the building is considered to retain the residential nature of a dwelling and as such, subject to the matters below, is considered to be acceptable in principle.

## 6.3 Heritage

- 6.3.1 The buildings fronting the Landermeads site are Grade II Listed, and the site is within the Chilwell Conservation Area. There are two detached properties opposite the site (228 and 230) which are also Grade II Listed Buildings. It is considered that whilst the link building could be built of or designed with lighter materials, in order to provide a visual break in the two buildings, given the set back from the frontage, its small scale and that the link is not connecting the Listed Building to 259 High Road, the development is considered to have less than significant harm to the setting of the Listed Building and it would preserve the character and appearance of the Chilwell Conservation Area. The benefits of the proposal in providing additional accommodation for the adjacent care home and maintaining the building in a residential use are considered to outweigh any harm to heritage assets.

## 6.4 Amenity

- 6.4.1 As the link extension would be between the two buildings and not in direct view of the neighbouring properties, being set back from the front elevation, it is considered that the extension would not have a significant impact on neighbour amenity in terms of loss of light, outlook or privacy. In regard to the use, the nature of the use as residential care home would not be significantly different to the current use as a dwelling and as such it is considered that there would be no significant impact in terms of increase in noise and disturbance for the occupiers of the neighbouring semi.

## 6.5 Highway Safety

- 6.5.1 There are clearly significant concerns in regard to parking and associated problems on this stretch of High Road, which is the main topic of the objections received.
- 6.5.2 The agent and applicant have both stated that there is no intention to increase the total number of residents at the care home overall, but rather are finding further space for the people that they already support; the proposal is intended to provide assisted living facilities for a maximum of 3 residents, living semi-independently in a house setting as a family group. There would be no increase in activity, due to the link building, or to staffing levels. None of the residents would own or have access to a vehicle and as such demand for parking would be reduced, when compared to a dwelling. There is no anticipated increase in visitor numbers. A cycle shelter is on order, separate to this application, which should also help encourage staff to use more sustainable modes of transport.

6.5.3 The change of use of 259 from a dwelling to a care home in itself would not generate any additional demand for on street parking. The dwelling, being three bedroomed, could potentially generate two vehicles which would need to be accommodated on-street since there is no off street parking associated with the property. The occupiers of the care home (proposed to be three residents) would not have access to their own vehicles. The applicant confirms that there would be no increase in staff levels, due to the needs of the residents who will be living semi-independently, and as such there would be no greater demand for on-street parking. It is also noted that as the site is located on a well-served public transport route; staff and visitors have the option to use this sustainable means of transport rather than the private motor vehicle.

6.5.4 As such it is considered that the change of use to care home, associated with Landermeads, would not result in a significant increase or cumulative impact in terms of traffic generation, or result in a detriment to highway safety, as there would be no increase in resident or staff numbers, and compared to the existing use, it would likely generate less demand for on-street parking.

## 6.6 Other Matters

6.6.1 Surface flooding of the road has been raised as a concern, and stated that this has been caused by the inability of the road sweeping teams to clear debris from the road, due to parked cars on High Road. This is not a material planning matter, however notwithstanding this, it is considered that the proposal would not generate any additional on-street parking and that it would have no greater impact on surface water drainage than the existing situation.

6.6.2 Similarly, the proposal would not result in a significant impact on the ability of refuse collection, street cleaning or emergency vehicles to carry out these services.

## 7 Planning Balance

7.1 The benefits of the proposal are that the care home would enable more targeted service provision, to the benefit of the users of the facility, and would enable the retention of a residential use, which could be converted back to a dwelling should there be a demand in the future.

7.2 The negative impacts are the impact on heritage assets.

7.3 On balance, given the size and siting of the link building, it is considered that, for the reasons above, the negative impacts would not outweigh the benefits of the proposed development.

## 8 Conclusion

8.1 Grant planning permission subject to conditions. The proposal is in accordance with the aims of Policies A, 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019).

<b><u>Recommendation</u></b>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan 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.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>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.</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 Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 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.	The developer should ensure that sound insulation to limit the transmission of noise between each use achieves the minimum requirements as contained in the current version of British Standard Approved Document E.
3.	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

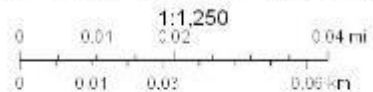
	<b>noisy works on Sundays and Bank Holidays.</b>
<b>4.</b>	<b>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</b>

259 High Road Chilwell NG9 5DD



2/15/2021, 9:49:13 AM

-  Conservation Area
-  Listed Building
-  Site



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Photographs



259 High Road, with Landermeads nursing home complex to the right



Gap between 259 and the adjacent home, site of the proposed link building



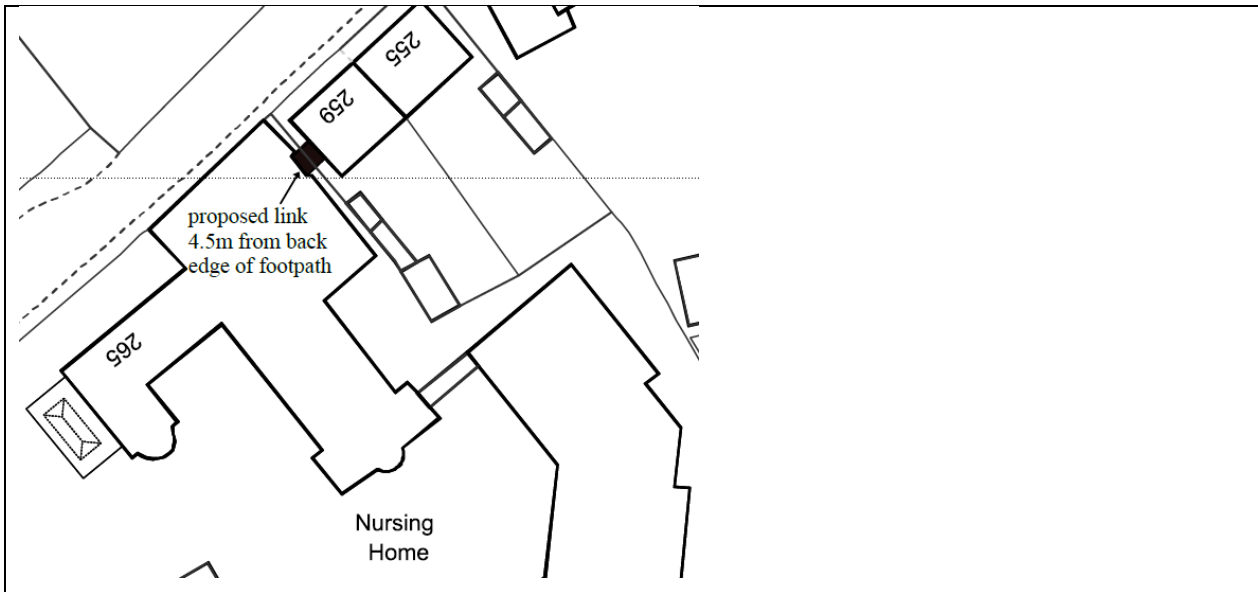
North east elevation of the adjacent building. The link would be to the flat roof element that can be seen to the rear of the adjacent building



Existing glazed link between The Meads building and Catherine Tam House, viewed from High Road



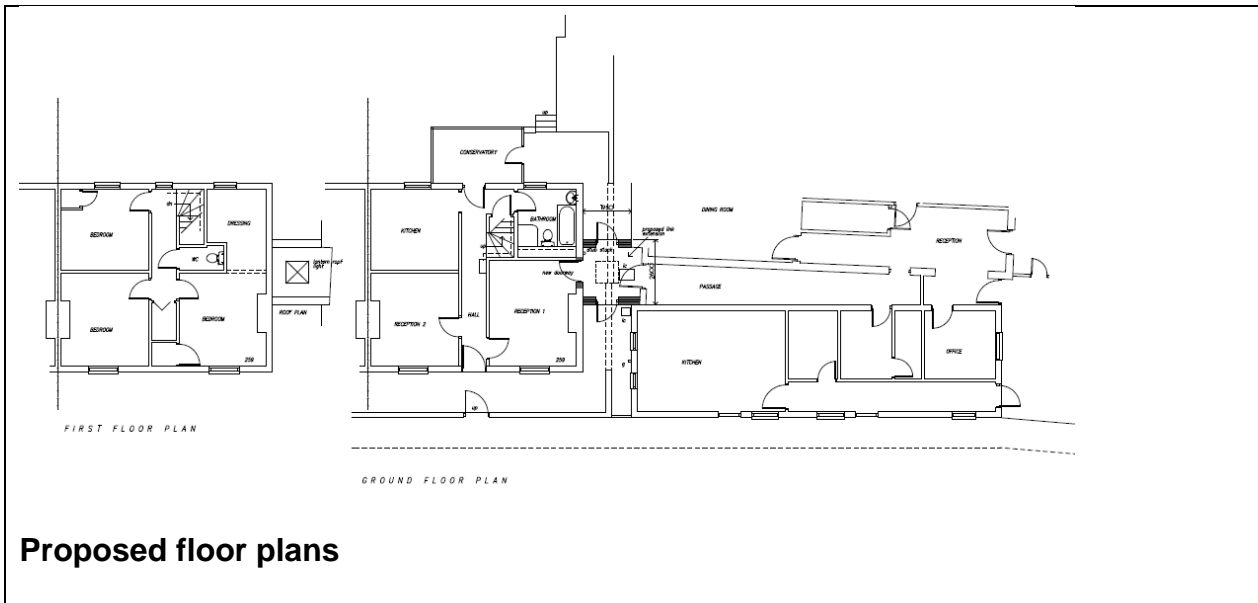
**Plans (not to scale)**



**Block Plan of proposed link between 259 High Road and Landermeads**



**Proposed elevation to High Road**



Proposed floor plans

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>21/00023/FUL</b>
<b>LOCATION:</b>	<b>Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Construct stable extension, lion's den and erect 3m high internal fencing to extend wildcat enclosure.</b>

The application has been called in to the Committee by Cllr David Watts.

### 1 Executive Summary

- 1.1 The application seeks planning permission to construct an extension to the stables to create a new lion's den and a lean-to hay storage area, as well as erect a 3m high fence around the perimeter of the field to the north of the stables to allow for an enlarged enclosure for the wild cats.
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances put forward by the applicant outweigh the harm of the enclosure to the openness of the Green Belt.
- 1.4 The benefits of the proposal are that it will allow for more space for the wild cats. However, it is considered that the size and design of the lion's den and enlarged enclosure represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. Whilst the original application for an enclosure was approved to allow for the keeping of wild cats at the site, the scale of the proposed enclosure under this application goes significantly beyond what was originally approved. In accordance with paragraph 143 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. In this case it is considered that the potential harm to the Green Belt is significant due to the size, scale and design of the enclosure, and that this is not outweighed by any other considerations.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reason set out in the appendix.

## Appendix 1

1 Details of the Application

- 1.1 This application seeks permission to carry out works associated with the keeping of wild cats at the site. The proposals include, an extension to the west side of the existing stable to create a new lion's den, with a lean to addition for hay storage, and the erection of a 3m high fence around the perimeter of the site to allow for the extension of the wild cat enclosure. The existing enclosure which has already been granted planning permission will be retained.

2 Site and surroundings

- 2.1 The application site contains a manège with stables to the north. To the north of the stables is the existing wild cat enclosure, which is linked to the stables. The existing enclosure is situated within an open field, which is proposed to be the extended lion enclosure.
- 2.2 The site is positioned to the north of the village of Strelley, with two residential dwellings adjoining the south boundary of the site. To the west of the site is the M1 motorway, with the boundary being made up of a substantial hedgerow which is in excess of 2m in height. The north and east boundary of the site is also made up of hedgerow and adjoins a bridleway. A close boarded timber fence with a height of approximately 1.8m has been erected along these boundaries. There is a further residential dwelling neighbouring the site to the north east.
- 2.3 The site is located within the Nottinghamshire Green Belt and adjacent to the Strelley Conservation Area.

3 Relevant Planning History

- 3.1 The application site has a detailed planning history, with the relevant historical applications being summarised in this section.
- 3.2 In 2011, planning permission (11/00200/FUL) was granted for the change of use of agricultural land to land used for the exercise of horses (construction of a manège) and erection of a replacement field shelter. This planning permission established the equestrian use on the site.
- 3.3 In 2013, planning permission (12/00646/FUL) was granted to construct stables and erect gates at two access points on the east boundary of the site.
- 3.4 In 2013, planning permission (13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (16/00165/FUL) was refused for the construction of a barn and feed store. The applicant appealed the decision and this appeal was dismissed by the Inspector. One of the reasons for refusal was that the proposal represented inappropriate development in the Green Belt and no very special

circumstances applied. The proposal would not have preserved, and therefore would cause harm to the openness of the Green Belt.

- 3.6 In 2017, planning permission (17/00232/FUL) was granted for the extension of the existing stable block, which is positioned to the south of the wild cat enclosure.
- 3.7 Later in 2017 planning permission (17/00565/FUL) was granted for the enlargement of the approved extension after the building was being constructed larger than the originally approved plans.
- 3.8 In 2018 planning application 18/00123/FUL was refused for the installation of two gated accesses on the east boundary of the site. The access points are already in place however the proposed gates were considered to be of a size and design that did not have regard for the local context and was out of keeping with the character of the area.
- 3.9 In 2019, planning application 19/00243/FUL for the change of use of the site from equestrian to mixed use equestrian and the keeping of fully licensed wild cats, and to retain the secure enclosure, was voted for approval by the Planning Committee. This permission was granted in Jun 2020 and is subject to a unilateral undertaking whereby the owner undertakes to carry out the following obligations:
- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
  - On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.
- 3.10 In 2020, planning application 20/00388/FUL was granted permission by the Planning Committee for various alterations to the approved enclosure including the internal division of the enclosure, security doors and an additional link to the stables. At the same committee meeting planning permission 20/00422/FUL was also approved for gates to be erected at the existing access to the south part of the field.

#### 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 Mix and Choice
- Policy 10: Design and Enhancing Local Identity

##### 4.2 **Part 2 Local Plan (2019)**

- Policy 8: Development in the Green Belt
- 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.
- Section 13 – Protecting Green Belt Land

#### 5 Consultations

- 5.1 **Council's Environmental Health Officer:** The Environmental Health Officer has liaised with the Specialist Veterinary Advisor and supports the enlargement of the outside enclosure, provision of an additional den, the fencing and improved gate access in order to meet the welfare needs of the existing animals on site. In addition, it is noted that the alterations will improve safe access and security and general management of the facility. The large size of the additional den is necessary to allow the 2 existing lions to be co-housed, but also separated if required and to incorporate a double door entry system and additional safe access points into each of the indoor and outdoor areas.

Detail in respect of the fencing, gates, sliding door, walkway, below ground fence construction have been received by the Environmental Health Officer direct from the applicant, and as they are mainly arrangements within the fencing and dens are not likely to be significant from a planning perspective. The following information is also required from the applicant, but will be assessed separately from the planning permission:

- Heating
- Ventilation
- Drainage
- Internal layout and partitioning within the den and secure access lobby to this area
- Safe systems of work and revised procedures.

The design has already been modified in order to increase the size of the new internal lion den to meet minimum size requirements for 2 lions to be housed together in this area. In order to allow safe access into this den by the keepers for cleaning, inspection and maintenance, an internal lobby and external door are required in the block construction; therefore, negating access through the external enclosure, where the animals will be secured during this process. Whilst this requires mainly internal alterations and is not a material planning consideration, a doorway will be needed on the south elevation (or possibly the west elevation, if space) and possibly a window on the south or west elevation and either a security door/gate/fence to restrict access from the hay store into the external enclosure area.

The applicant has been advised that any changes to the design will need to be approved before being undertaken (in respect of the licence as well as any relevant planning elements) and that the enclosure should not be occupied until a variation to the licence has been issued.

It is also suggested a condition that the animals should not be for public viewing is added to any permission granted. If the facility allowed public viewing of the animals (whether for payment or not and whether it met the criteria for requiring a zoo licence or not), there would be additional facilities required such as stand-off barriers around enclosures and increased footfall and visitor traffic which is likely to cause further noise and disturbance to local residents.

An enclosure to keep dangerous wild animals is not an essential reason for development in the Green Belt, but in this case the additions are both necessary for the welfare of the animals already on site and are required as part of the ongoing Licensing process in consultation with our specialist Veterinary Advisor.

In summary, if the animals continue to be kept on site, the Environmental Health Officer supports the proposal as the increased den and external enclosure is necessary to ensure continued compliance with the animal welfare requirements of the licence issued to keep such Dangerous Wild Animals. A condition in line with the original permission to remove the enclosure within a specified time period, after the removal or death of the existing animals, should be included on any permission granted.

A condition preventing public viewing of the animals should also be included. Reason: To protect the amenity of residents from noise and disturbance.

It is also requested that a note to applicant be included, as a reminder that there must be no bonfires on site, even as part of the construction process by contractors and that the new areas need to be subject to a licence variation.

5.2 **NCC Rights of Way Officer:** No objection. Has requested a standard informative note to be added to any permission granted.

5.3 **The Coal Authority:** No objection.

5.4 Eight properties either adjoining or closely linked to the site have been consulted and a site notice was displayed. 9 letters of objection have been received from members of the public in respect of this application, with 47 letters of support received. The reasons for objection can be summarised as follows:

- Danger of wild cats to local horse riders as they can scare the horses.
- They should already be in an enclosure that is suitable for their well-being.
- The enclosure is not safe.
- The wild cats pose a significant threat to the surrounding animals and people if they were to escape.
- Penguins have escaped from this property before.
- The animals should be in a proper sanctuary or zoo.
- The applicant should have prepared the correct enclosure for the animals prior to obtaining them.
- No roof on the proposed fencing.
- Witnessed bones from carcasses on the bridleway assumed to be related to the enclosure.
- The lions and puma are not rescue animals, they were purchased and smuggled in.

- The applicant does not have a good record of keeping animals, he has managed to kill 3 penguins, one capybara and one of his monkeys lost an arm.
- A member of staff at the site was mauled by the puma.
- The animals escape continuously.
- Unsuitable development in the Green Belt.
- The enclosure should not be allowed to move closer to the bridleway.
- Increased traffic has been caused by people trying to view the animals and TV crews.
- The site has a rundown appearance and creates smell pollution.
- The enclosure was deemed suitable in its present form by the applicant's advisers and the Council's Licencing Officer.
- The Born Free Foundation previously offered to take the lions.
- People and horses don't like passing the public right of way so close to the enclosure and there is no other way round this area.
- The very special circumstances that permitted the original permission should not have been valid as there was an offer from the Born Free Foundation to take the Lions.
- The proposed fence has an industrial appearance.
- Extending the enclosure will add to the smell pollution.
- The access to the north of the site is not a legal access.
- Roars from the big cats can be heard throughout the day.
- Loss of privacy to neighbouring properties due to increase in people visiting the area.

The reasons for support can be summarised as follows:

- Animals are not a problem to local users of the bridleway.
- Enclosure cannot be seen from bridleway.
- The animals are well looked after.
- It will help enrich the lives of the animals.
- The applicant is very dedicated to the animals.
- Conservation of this kind is very important and the animals are better off here than in zoos.
- It will help the applicant to carry on his good work to eventually re-house to regional zoos or give a chance after rehab to return the animals back to their natural environment.
- The animals are part of the village.
- The proposal is in the best interest of the animals.

It should be noted that the above comments are those received from members of the public, who are always able to make comments on planning applications and no evidence has been supplied to support these comments. Matters such as obtaining and keeping of animals by the applicant are not material planning considerations and therefore must be disregarded in making any decision on this application which must be decided on planning grounds. Other matters such as noise, smell, traffic and loss of amenity have been dealt within in the report.

Amended plans were received on 12 February 2021, and a re-consultation was carried out. In response to these 11 further responses from member of the public have been received, 6 of which are in support of the proposal, and 5 of which object



to it. The reasons identified have been covered in the responses to the original plans.

## 6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the enclosure and the impact of the proposal on neighbouring amenity.

### 6.2 **Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraphs 145 and 146 identify a range of exceptions to inappropriate development, although the keeping of wild cats and associated facilities are not identified within these paragraphs. Therefore, in accordance with Paragraph 143 of the NPPF very special circumstances would need to be demonstrated for this proposal to be considered acceptable.

6.2.2 In 2020, planning permission 19/00243/FUL was granted permission to retain the puma enclosure and for the change of use of the land to allow the keeping of wild animals. As this proposal represented inappropriate development in the Green Belt, a case for very special circumstances was put forward by the applicant, stating that without the enclosure the wild cats would have to be put down as there were no suitable alternatives for places to keep them. The Planning Committee resolved to grant planning permission, against officer advice. Later in 2020, a revised application was submitted to retain various alterations to the enclosure, required as the enclosure had to be adapted to allow the keeping of two lions, in addition to the puma that already resided there. As the amendments represented relatively minor alterations to the enclosure, which did not significantly increase its footprint or size, this application was recommended for approval, with the Planning Committee resolving to grant the permission.

6.2.3 The applicant states that the proposed lion's den is designed to allow easier access to an enlarged enclosure area as the lions approach a mature size and require more space for animal welfare reasons. The applicant goes on to state that the erection of a 3m high perimeter fence around the field to the north of the stables, that will include the existing enclosure, will allow a larger enclosure for the wild cats.

6.2.4 The key considerations for this proposal in respect of the Green Belt, are whether or not very special circumstances apply for the new den and enlarged enclosure, and if so, whether or not the benefits of these very special circumstances outweigh any potential harm to the Green Belt.

6.2.5 In granting permission for the original enclosure, the Planning Committee determined that very special circumstances had been demonstrated, the benefits of which outweighed the harm to the Green Belt. Whether or not very special circumstances outweigh harm of development to the Green Belt is a matter of

balance, and therefore the balance needs to be assessed again for this proposal, given the scale of development has now increased from the original permission that was granted. The applicant claims that the increased enclosure is necessary for the welfare of the lions. The Council's Environmental Health Officer also acknowledges that the larger den and enclosure area are required to meet the welfare needs of the animals.

- 6.2.6 The proposed perimeter fence to allow the enlarged enclosure will have a maximum height of 3m, with a cranked top, wooden posts at 4m centres and mesh security fencing. The fencing is not typical of anything that would generally be seen in a countryside location, and whilst it is argued by the applicant that it would be largely screened from view from the public realm this does not discount harm to the openness of the countryside, which is characterised by the absence of development. Furthermore, it is considered that fence will not be entirely screened from view from the public realm due to its substantial height and the nature of the hedging around the site meaning full screening is not guaranteed. Whilst the existing enclosure has some impact on the character of the application site, the proposed development is considered to go significantly beyond this, adding substantial additional harm due to the development of such an industrial style security fence to what is currently a relatively open field.
- 6.2.7 The applicant states that the enlarged enclosure is required for the welfare of the big cats. However, no evidence has been provided to suggest that suitable alternative locations have been researched for such a large enclosure, that may be more appropriate than this Green Belt location. In response to planning application 19/00243/FUL for the original enclosure, the Council were contacted by the Born Free Foundation, stating that they would be willing to work with the applicant to secure lifetime care for the lions in their big cat sanctuary in South Africa. Whilst it is not known if such an offer still exists, it does indicate that alternative solutions are either currently available, or have previously been available to the applicant when considering the optimum location to ensure the optimum welfare for the wild cats.
- 6.2.8 Whilst more space for the wild cats may be required to keep the animals, it is considered that the benefits of the proposal do not outweigh the significant harm to the openness of the Green Belt, in particular caused by the 3m high perimeter fence that would be erected around the site. Should more space be required to support improvements for the welfare of the animals it is considered that alternative locations should be sought that do not have the constraints associated with this site, notably its location within the Green Belt. No evidence of such alternatives being sought has been provided.
- 6.2.9 Whilst the alterations to the enclosure under planning reference 20/00388/FUL were considered to be relatively minor, the same cannot be said for the development proposed under this application. The proposed lion den will be a breeze block extension to the existing stables, 4m wide and 6m in length, with a maximum height of 2.8m. This represents a reasonably significant addition to the existing stable block, which is already substantial in size. As stated previously, it is also considered that the perimeter fence required for the enclosure also goes beyond what would be considered a minor addition to the already approved enclosure.

6.2.10 The comments of the Council's Environmental Health Officer in support of the proposal are noted. However, these comments are based on the licencing requirements for keeping the animals, and do not provide a full account of all the matters that need to be considered in the determination of this application, notably the design and appearance of the enlarged enclosure, and whether or not it is inappropriate development in the Green Belt.

6.2.11 Overall, it is considered that the proposal represents significant harm to the Green Belt due to the size, scale and design of the Lion's Den and enlarged enclosure which requires a 3m high fence around the perimeter of the site. It is considered that this harm is not outweighed by any other considerations, and therefore the proposal is inappropriate development in the Green Belt and contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019).

### 6.3 Design and Appearance

6.3.1 The proposed lion's den will represent a reasonably large addition to the existing stables at the application site. The stable building is already a reasonably large structure, and it is considered that further addition to this for purposes related the keeping of wild cats is not in keeping with the character of the surrounding area. Whilst part of the proposed development to the west side of the stables is also identified as being for a hay storage, this alone may be acceptable as it could be constructed using materials that are more sympathetic to the rural surroundings. However, due to the proposed use as a lion's den, the building is required to be of substantial construction and therefore has an appearance that is considered to be out of keeping with the character of the area.

6.3.2 The proposed security fencing will have a significant height, as would be required to ensure the safety of the site in respect of its use for the keeping of wild cats. However, the height of the fence, along with the proposed materials and cranked top would give the fence a robust appearance that is considered to be out of keeping with similar development that is typically required around fields for the keeping of horses or other animals for agricultural purposes. The proposed fence will go around the perimeter of the field to the north of the stables, which due to its height and design would represent a substantial development that would significantly alter the character of the application site, which beyond the existing enclosure, is that of a largely open field.

6.3.3 Overall, it is considered that the proposal would be out of keeping with the character of the area and therefore contrary to the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

### 6.4 Amenity

6.4.1 The extension of the proposed enclosure will bring it closer to the nearest neighbouring dwelling to the north of the site. However, the proposed fencing will be approximately 20m from the front elevation of the neighbouring property, with the intervening bridleway in between. It is therefore considered that the proposal will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring dwelling.

- 6.4.2 A number of objections have been received on the grounds that the keeping of wild cats in this location presents a danger to the public and that the location is unsuitable for the keeping of wild cats. The puma and the two lions that inhabit the existing enclosure are fully licenced, and the safety elements of keeping them in the enlarged enclosure have been considered by the Environmental Health team and has been found to be acceptable. It is therefore considered that a refusal on the basis that the animals represent a danger to public health and safety could not be sustained on appeal.
- 6.4.3 Objections have also been raised on the grounds of noise generation and smell created by the keeping of wild cats. The site has a lawful equestrian use and stables to enable the keeping of multiple horses. Whilst the enclosure would bring the site usable for the lions to within closer proximity of the neighbouring property to the north, the main areas used for sleeping and where the cleaning out takes place will remain close to the existing enclosure, which is set further away from neighbouring residential dwellings. It is therefore considered that the proposed development would not result in a significantly different impact on the amenity of neighbouring residents in terms of noise and smell, than the enclosure which has been previously approved.
- 6.4.4 Objections have also been raised on the grounds that the lions and puma result in significantly more traffic to the area as members of the public hope to see the animals. The original permission included a condition that the animals are not to be made available for viewing by members of the public. Furthermore, the outcome of this application would not change the fact that the existing enclosure would still house the animals. Therefore, it is considered that additional traffic to the area would not be a reason for refusal of this application that could be sustained on appeal.
- 6.4.5 Overall, it is considered that the proposed development would not result in an unacceptable impact on the amenity of neighbouring residents.

## 6.5 Unilateral Undertaking

- 6.5.1 The applicant and other land owners signed a Unilateral Undertaking for planning permission 19/00243/FUL, committing to remove the enclosure on either the death of the enclosure or their being rehomed elsewhere. The applicant has offered to extend this undertaking to the development proposed as part of this application. In order to achieve this a new agreement would have to be signed, which the applicant has agreed to. However, this is not considered to be of such significant benefit as to overcome the harm associated with granting permission for the proposed development.

## 6.6 Other Matters

- 6.6.1 The Environmental Health Officer notes that whilst the proposed lion's den is of an acceptable size, some alterations may be required to meet the requirements of the licence. These include the provision of an internal lobby, external door and possibly a window and security gate to the hay store. Should permission be granted it is considered that these matters could be dealt with by way of a condition, with details

to be submitted to and approved by the Local Planning Authority prior to the first use of the new den.

- 6.6.2 Comments were made by members of the public in respect of how the animals were obtained, and the keeping of the animals. Members of the public are always able to make comments on planning applications and no evidence has been supplied to support these comments. Matters such as obtaining and keeping of animals by the applicant are not material planning considerations and therefore must be disregarded in making any decision on this application which must be decided on planning grounds.

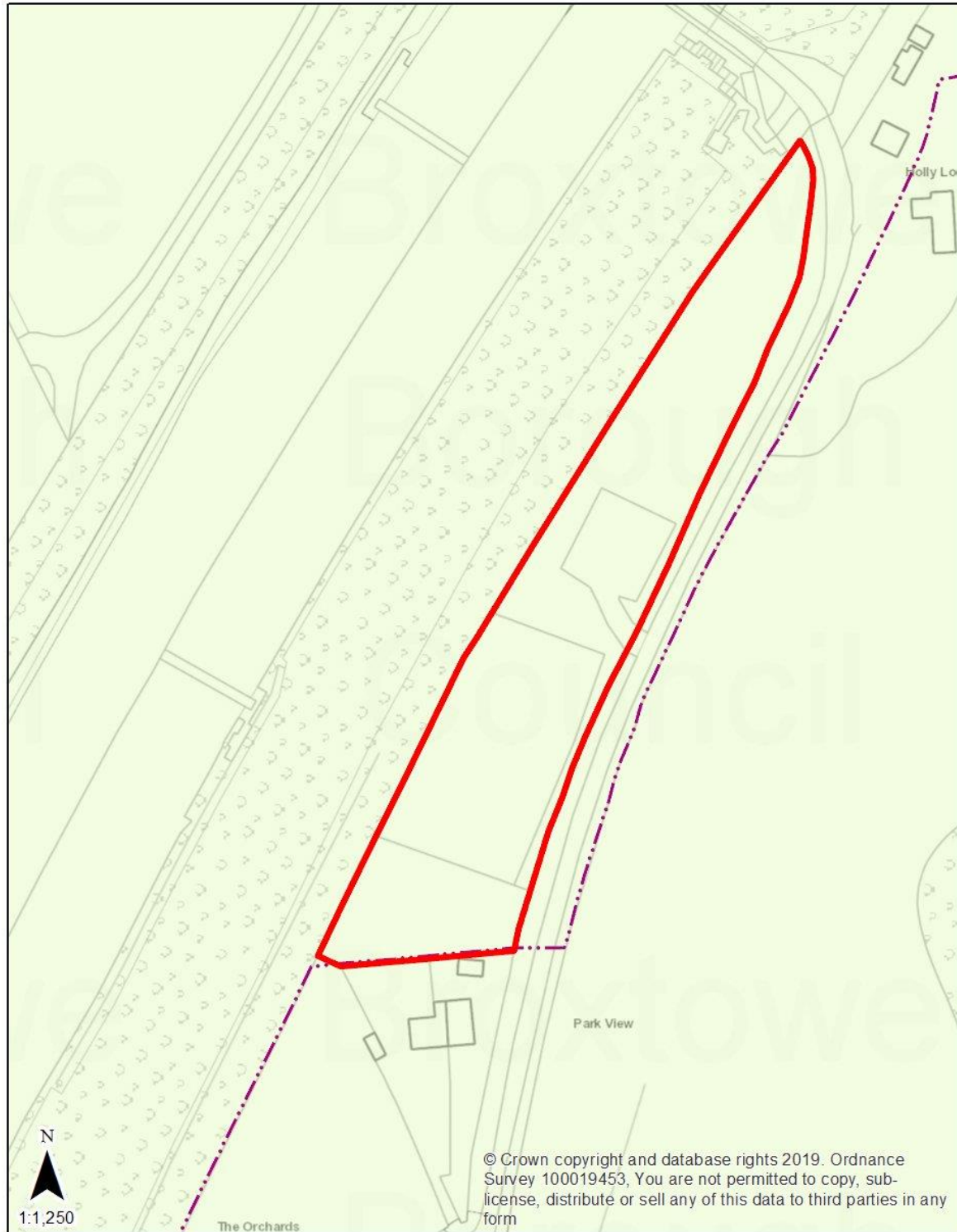
7 Planning Balance

- 7.1 The benefits of the proposal are that it will provide additional space for the lions, contributing to the welfare of the animals.
- 7.2 The negative impacts are that the size and design of the extended enclosure and lion's den represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. The proposal represents inappropriate development in the Green Belt.
- 7.3 On balance it is considered that the benefits of extending the animals enclosure are not outweighed by the harm to the openness that characterises the Green Belt.

8 Conclusion

- 8.1 The proposal is considered to be inappropriate development that is harmful to the openness of the Green Belt. Whilst the applicant has put forward a case for very special circumstances it is considered that the benefits of the proposal do not outweigh the substantial harm to the openness of the Green Belt.

<p><b><u>Recommendation</u></b></p>
<p><b>The Committee is asked to RESOLVE that planning permission be refused for the following reasons and that that enforcement action be taken to remedy the breaches of planning control.</b></p>
<p><b>1. The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed stable extension to facilitate the lion’s den, and 3m high fencing to extend the wild cat enclosure, represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with Broxtowe Part 2 Local Plan (2019) Policy 8 and the NPPF paragraphs 143 – 146.</b></p> <p><b>2. The proposed extension to the stables to facilitate the lion’s den, and the fencing to extend the enclosure, by virtue of their size, design and appearance represents substantial and robust structures that have a dominant impact on the application site and are out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of the Broxtowe Aligned Core Strategy (2014) Policy 10 and the Broxtowe Part 2 Local Plan (2019) Policy 17.</b></p>
<p><b>NOTE TO APPLICANT</b></p>
<p><b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b></p>



**Legend**

-  Site
-  Conservation Areas (Local Plan)
-  Green Belt (Local Plan)

Photographs



Existing enclosure



Existing enclosure

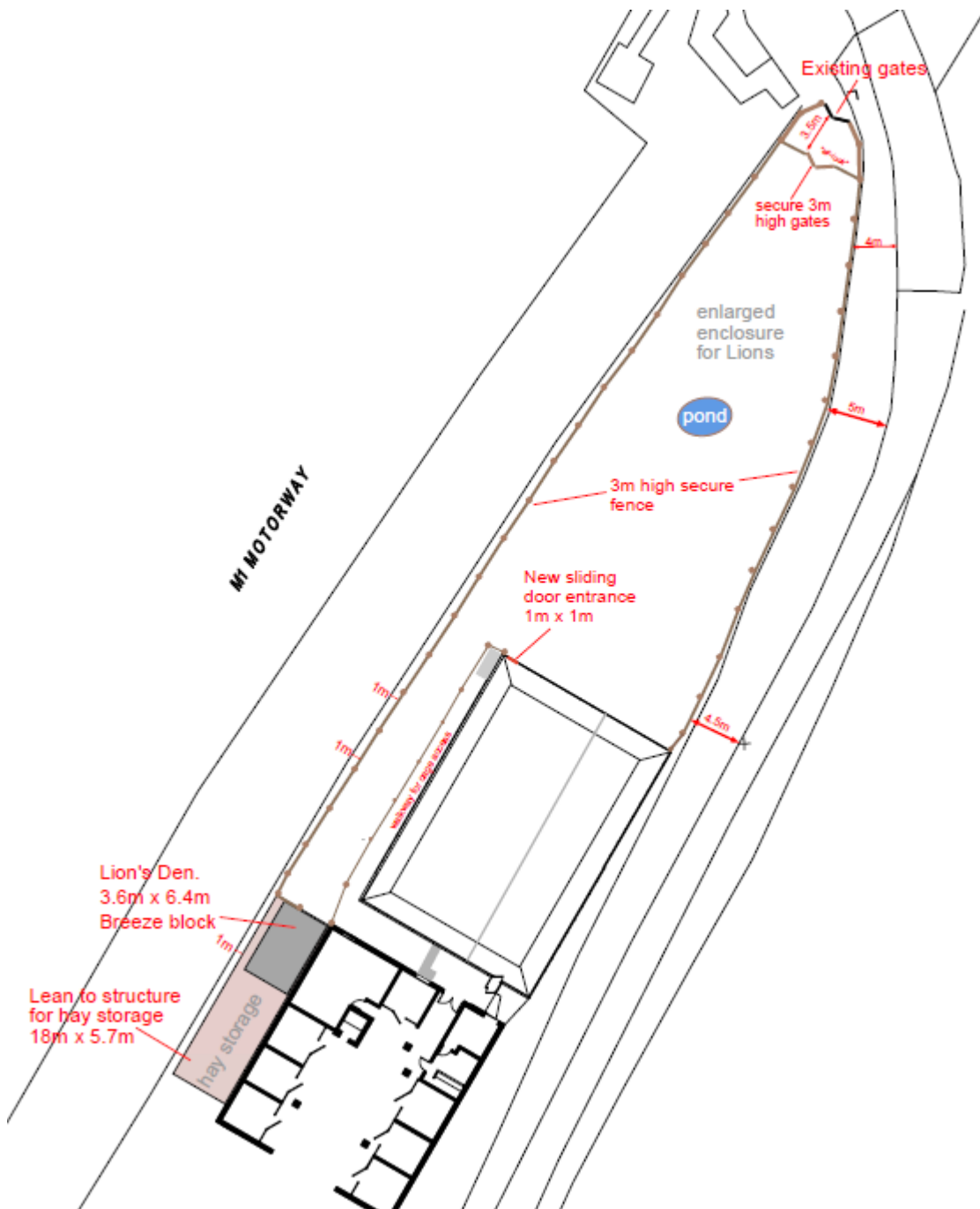


View towards stables and enclosure from bridleway.

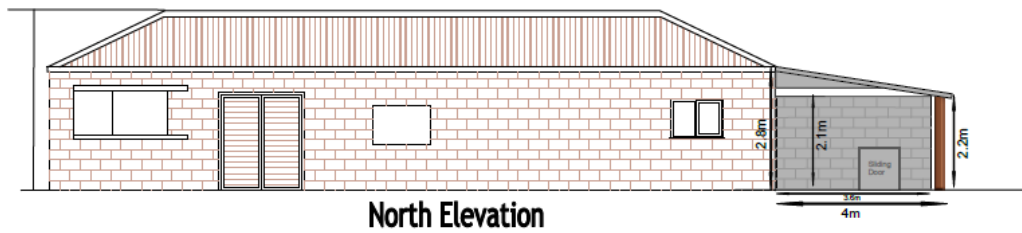


**Plans (not to scale)**

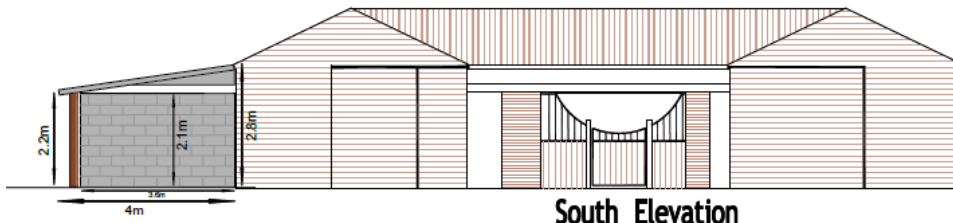
Block Plan



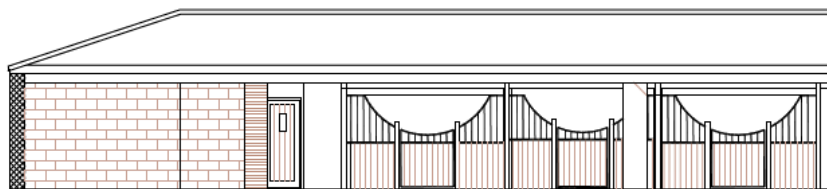
Elevations for Lions Den



North Elevation

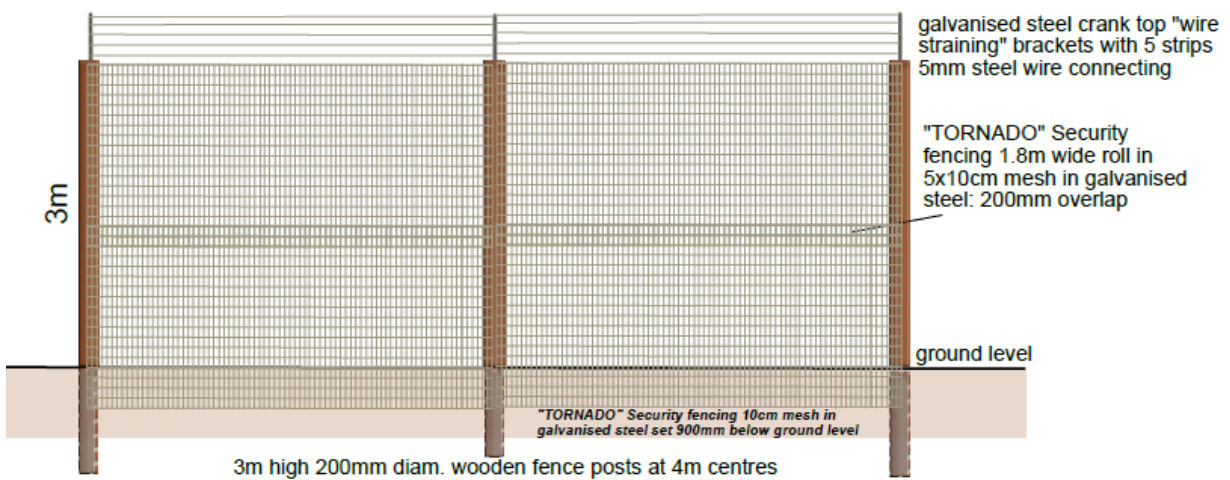


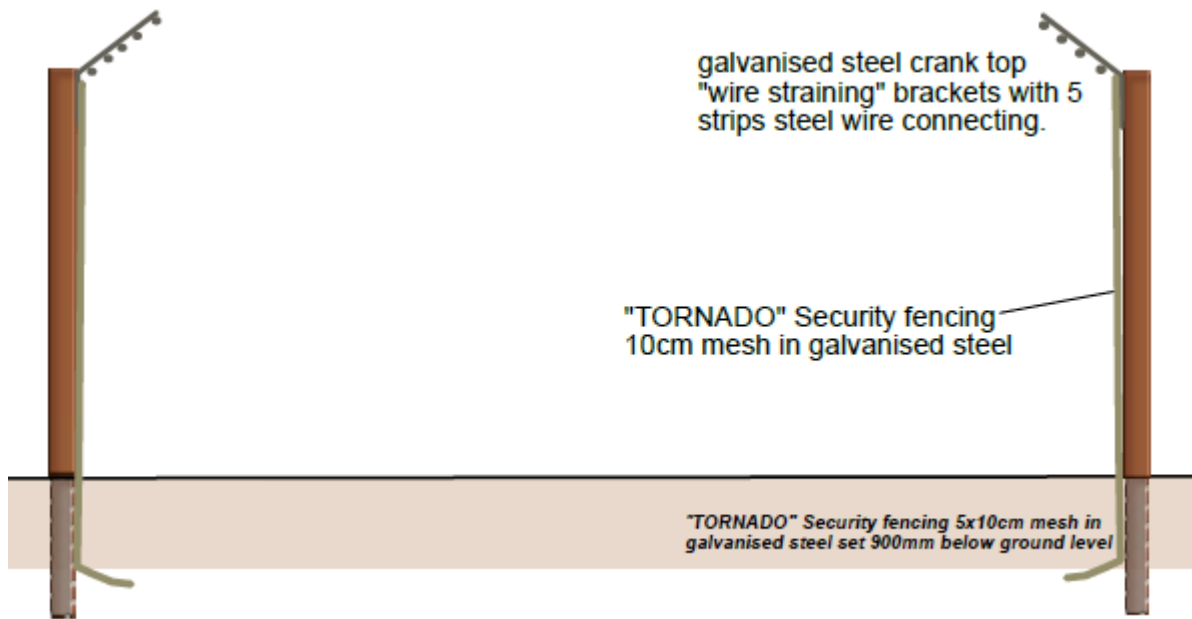
South Elevation



West Elevation From Courtyard

Fence Details





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## Report of the Chief Executive

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

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

### 1 Executive Summary

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

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

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

## APPENDIX 1

1 Details of the Application

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

## 2 Site and surroundings

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



3 Relevant Planning History

3.1 There is no relevant planning history for the site.

4 Relevant Policies and Guidance

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

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

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

**4.2 Part 2 Local Plan 2019:**

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

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

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

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

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

## 5 Consultations

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

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

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

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

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

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

**Traffic/Access/Transport**

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

**Privacy/Amenity**

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

**Ecology/flood risk**

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

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

**Facilities**

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

**Design/layout**

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

**Other matters**

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

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

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

## 6 **Assessment**

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

### 6.2 **Principle**

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

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

### 6.3 **Flood risk**

6.3.1 A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted which identifies and assesses the risks from all forms of flooding to and from the development and demonstrates how these flood risks will be managed.

6.3.2 The site is located within the River Erewash catchment within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding.

6.3.3 The site is considered to be at low risk of flooding from ground water sources and given its location reservoir failure and canal breach.

6.3.4 There is a combined sewer network within the north east of the site. Severn Trent have not made comments on the scheme. However, it is understood that the network is approximately 3m deep and therefore unlikely to experience flooding from the manhole. Appropriate easements should be applied to all assets and the open drainage channel within the site to ensure that connectivity is not severed.

6.3.5 Whilst the Brinsley Brook runs parallel to the eastern boundary of the site the surface water risk mapping shows that this is relatively constrained to its channel due to the invert level of the watercourse being a minimum of approximately 2.5m below the adjacent western bank. As such the site is considered to be at low risk of flooding from fluvial sources. The FRA recommends that appropriate easements should be applied to the ordinary watercourses within the site, including the Brinsley Brook and it is suggested that 8m on each side would be sufficient to ensure that new properties would be protected from any flooding as a result of the brook overtopping its banks. In addition, the report recommends that finished floor levels be raised by 150mm and land should be profiled towards positive drainage points.

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



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

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

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

**6.5 Landscaping and Biodiversity**

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

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

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

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

## 6.6 Landscape

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

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

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

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

## 6.7 Heritage

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

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

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

**6.8 Pollution and land stability**

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



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

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

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

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

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

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

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

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

7 Planning Balance

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

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

8 Conclusion

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

<b><u>Recommendation</u></b>	
<p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>(i) the comments of the Coal Authority being addressed;</b></li> <li><b>(i) the prior completion of an agreement under section 106 of the Town &amp; Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision and maintenance of open space, integrated transport measures and Primary Health Care and</b></li> <li><b>(ii) the following conditions:</b></li> </ul>	
1.	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><i><b>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.</b></i></p>
2.	<p><b>The development hereby permitted shall be carried out in accordance with drawings numbered:</b></p> <p><b>H8060-02 Rev B</b>  <b>H8060/P101e Rev F</b>  <b>ADC2052-DR-002 Revision P3</b>  <b>ADC2052-DR-001 Rev P6</b></p>

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



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

	<p><i>Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</p>	<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: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p><i>Reason: In the interest of highway safety.</i></p>
<p>9.</p>	<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>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing number ADC2052-DR-001 Revision P6, including the proposed pedestrian refuge island across Cordy Lane has been provided.</p> <p>Reason: In the interest of highway safety.</p>
11.	<p>Occupation of the proposed dwellings shall not take place until the off-site highway works at the A608 Cordy Lane / B600 Willey Lane junction as shown for indicative purposes only on drawing number ADC2052-DR-002 Revision P3 have been provided.</p> <p>Reason: To mitigate the impact of development traffic on the network, in the interest of highway safety.</p>
12.	<p>Prior to works commencing above foundation level a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should detail how protected or otherwise notable species and habitats on site will be protected throughout the construction and operation phases of the proposed development and include measures such as those to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows. Such approved measures shall be implemented in full and maintained thereafter in accordance with details which shall first be submitted to and approved in writing by the local planning Authority.</p> <p><i>Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
13.	<p>Trees referenced T1, T2 and T3 in the Crestwood Environmental: Bat Activity Survey Report (CE-CL-1493-RP03A - final) shall not be removed unless and until an endoscope survey has been undertaken immediately prior to any proposed works in the presence of a suitably qualified ecologist. A report detailing the findings of this survey, including any proposed mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: In the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>

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

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

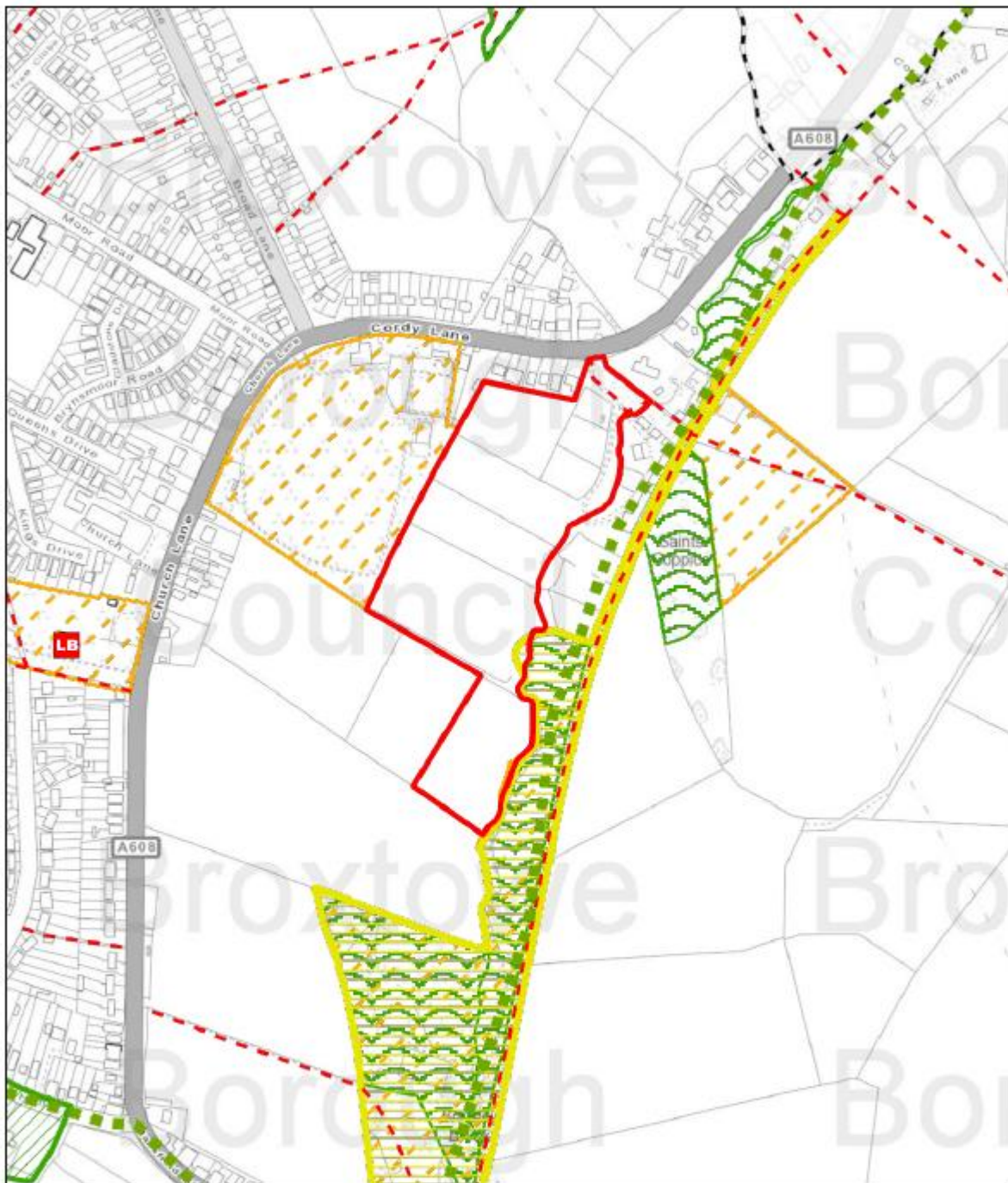
<p>23.</p>	<p>Occupation of the proposed dwellings shall not take place until their respective driveway/shared driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the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

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

	<p>undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a></p>
<p>7.</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>8.</p>	<p>The proposed development requires the diversion of a public right of way which is administered by the Department for Transport. The grant of planning permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed.</p>

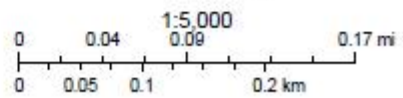


### Brinsley



24/02/2021 09:12:23

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



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Photographs



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



Within the site showing the existing access and towards Cordy Lane





A

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





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



North to south across the site



Within the site looking south



Towards the eastern boundary with the Brinsley Brook





Views of western boundary with the recreation ground





south-western corner towards the north ground



south boundary towards recreation ground



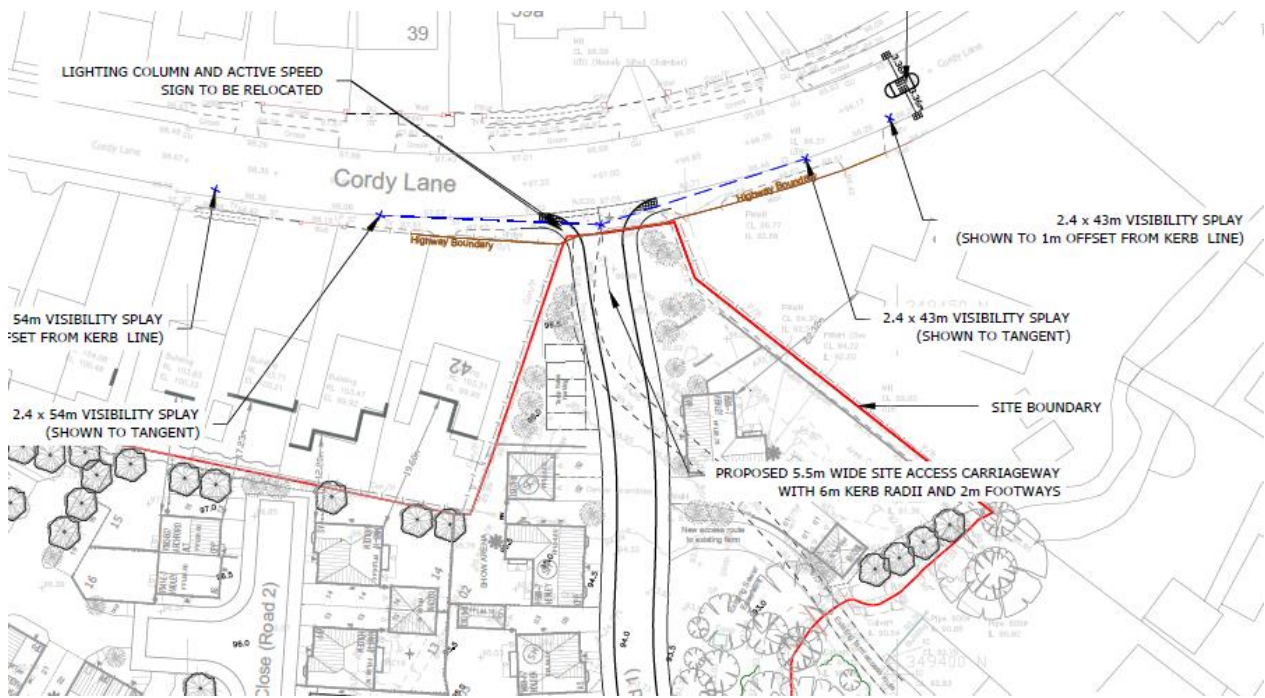
Towards the site from the recreation ground



**Plans (not to scale)**



Site layout plan

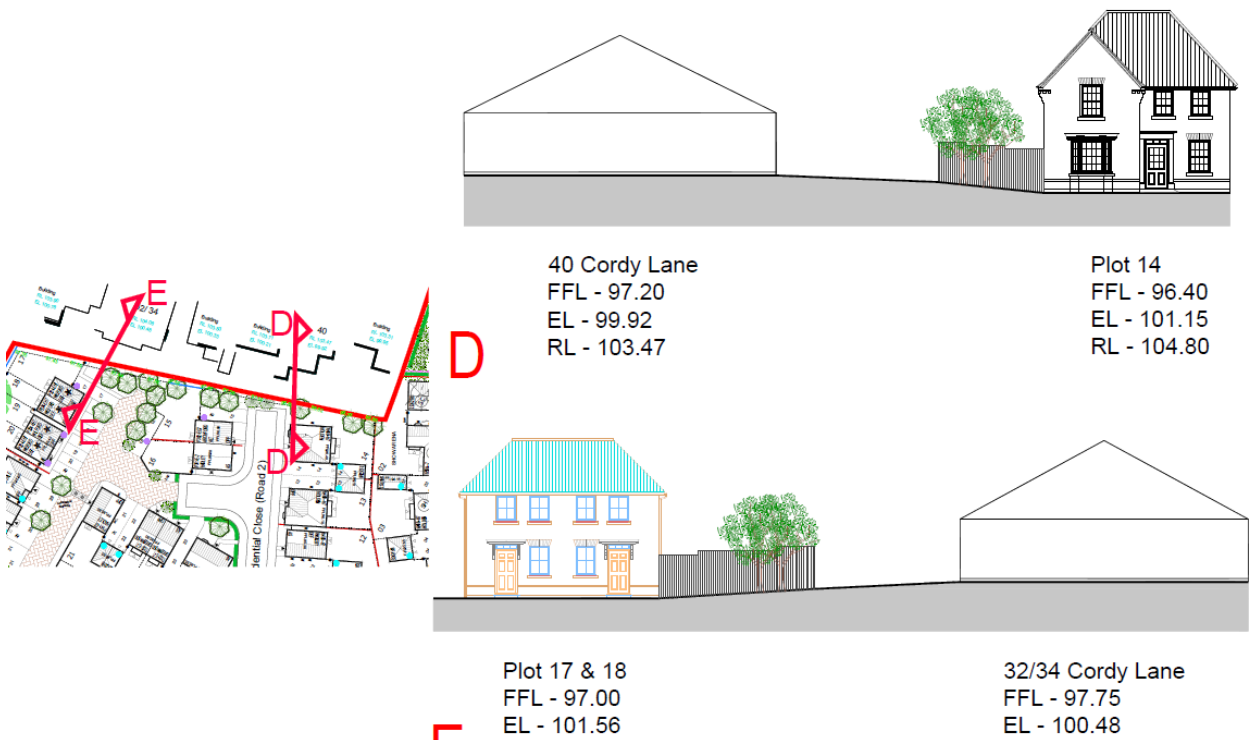


Proposed access

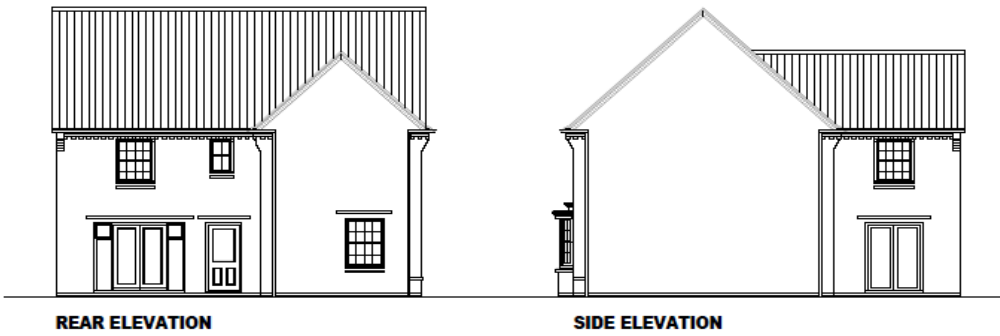




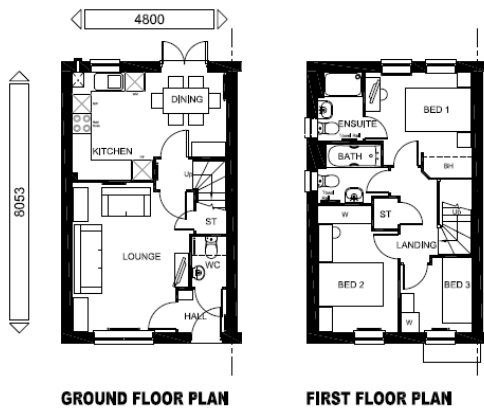
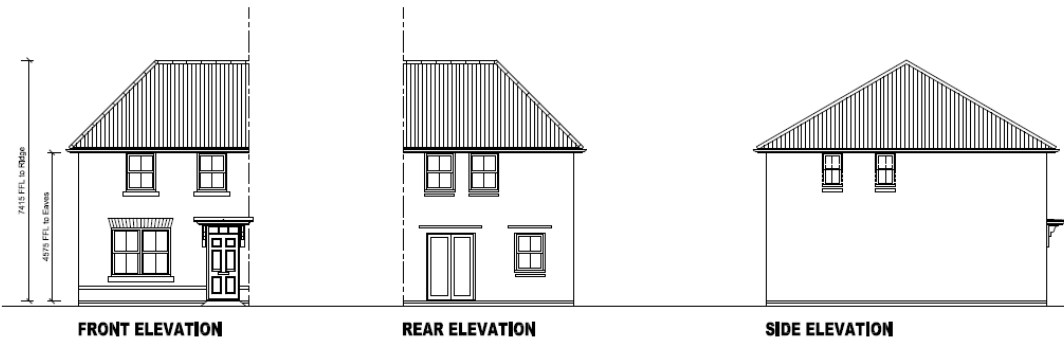
Proposed streetscenes



Proposed cross sections



Avondale house type



Archford (hipped end terrace)



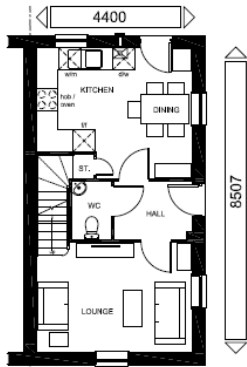
**FRONT ELEVATION 1**



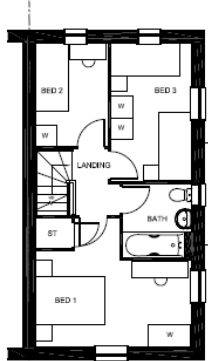
**FRONT ELEVATION 2**



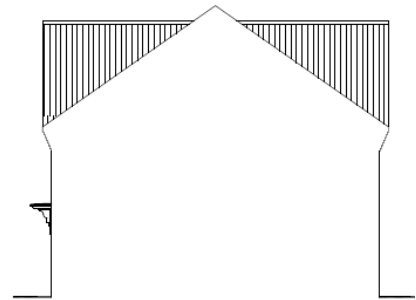
**REAR ELEVATION**



**GROUND FLOOR PLAN**



**FIRST FLOOR PLAN**



**SECTION**

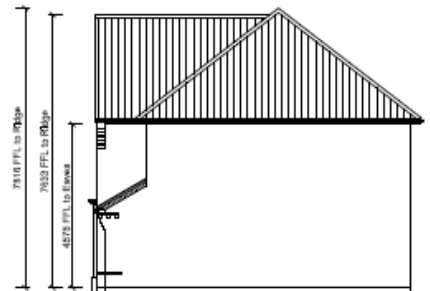
House type: SH74-E-7



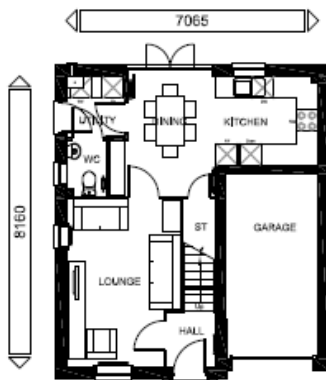
**FRONT ELEVATION**



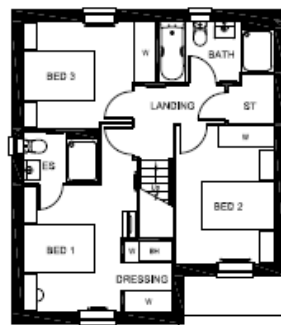
**REAR ELEVATION**



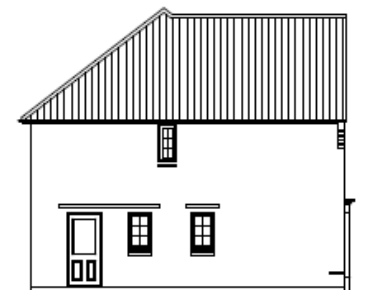
**SIDE ELEVATION**



**GROUND FLOOR PLAN**

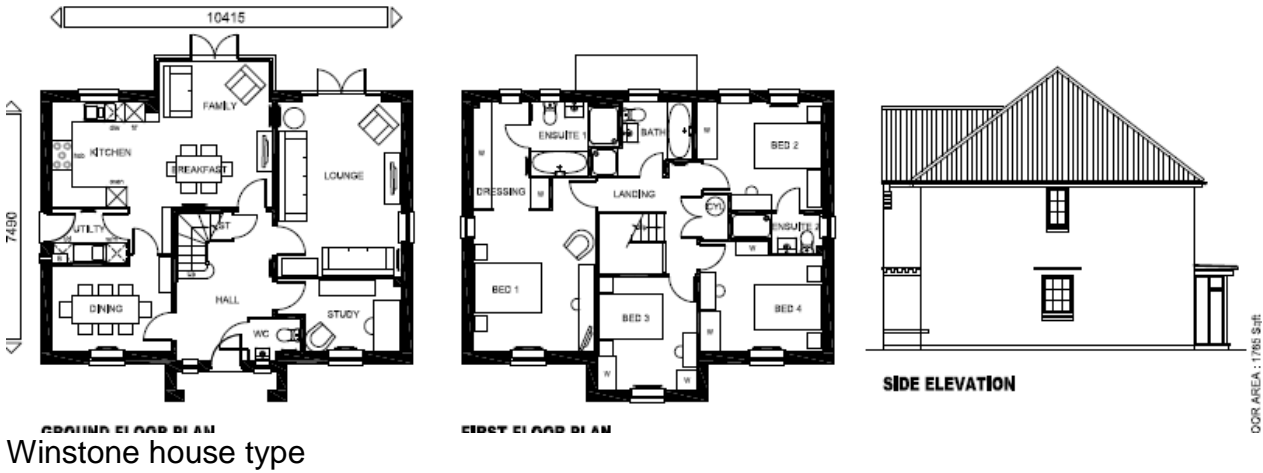
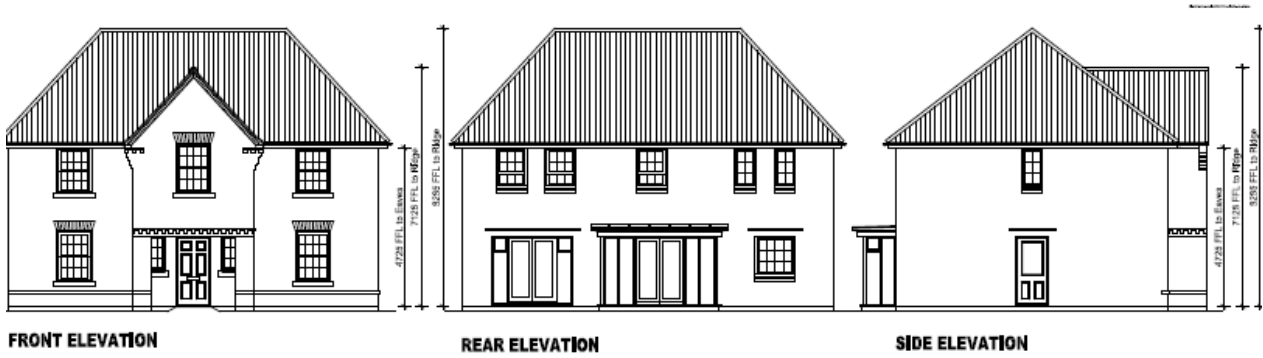


**FIRST FLOOR PLAN**

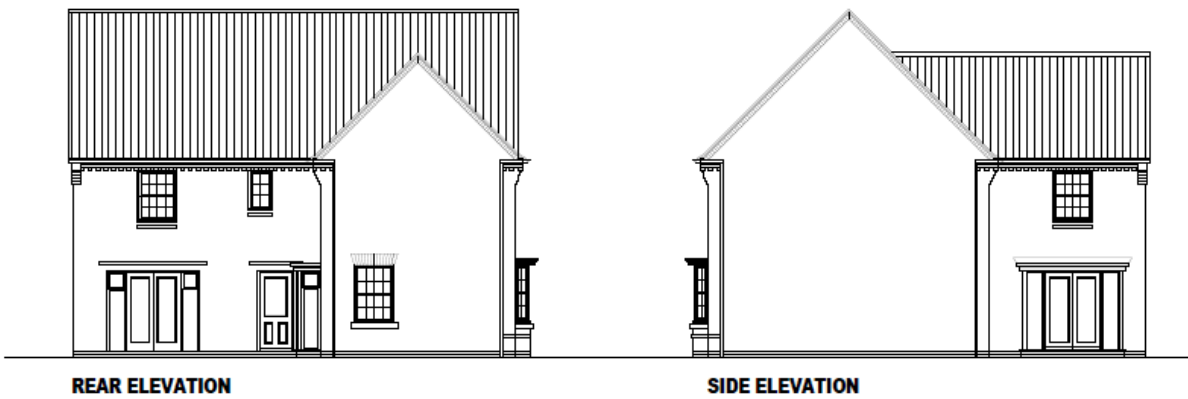


**SIDE ELEVATION**

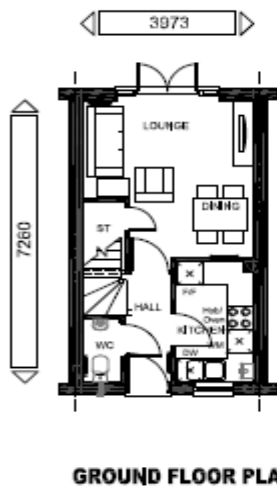
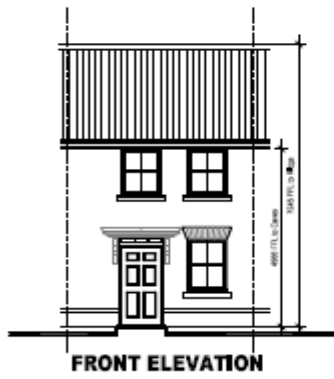
Abbeyle house type



Winstone house type



Henley house type



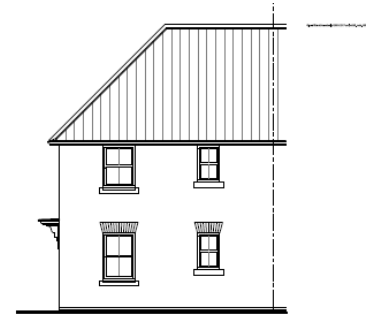
Wilford (mid terrace) house type



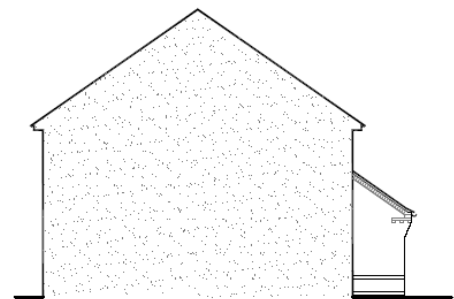
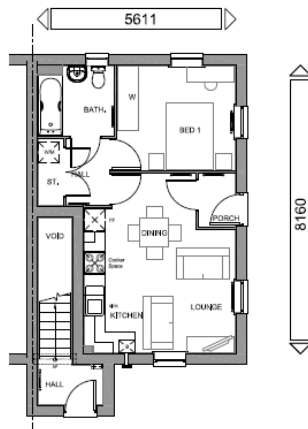
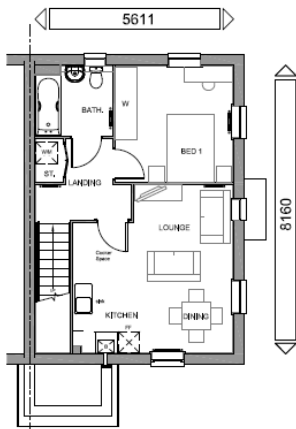
**FRONT ELEVATION**  
SF59



**FRONT ELEVATION**  
SF58

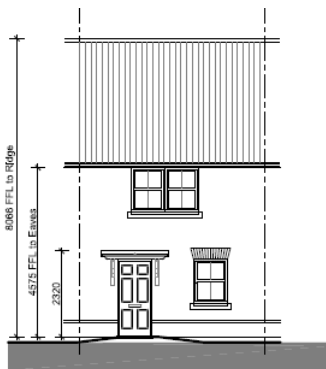


**REAR ELEVATION**

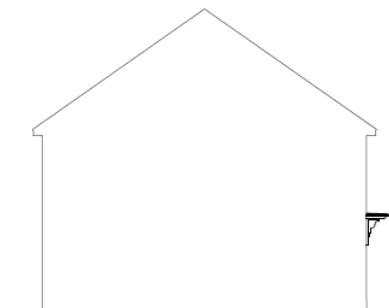


**SECTION / SIDE ELEVATION**

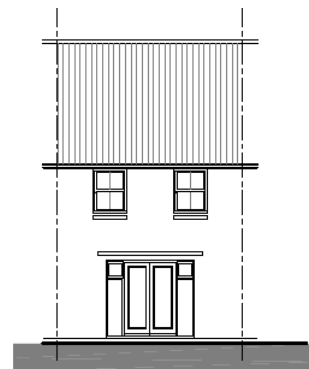
SF58-E-7/SF59-EH7 house types



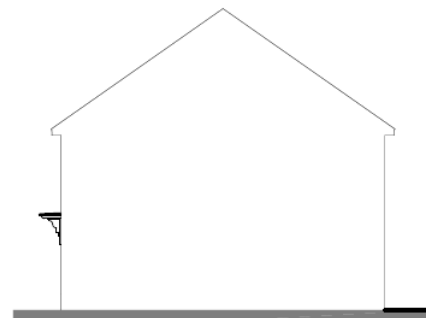
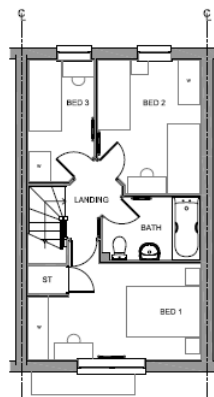
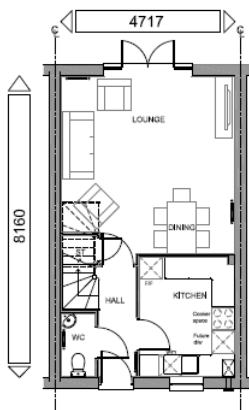
**FRONT ELEVATION**



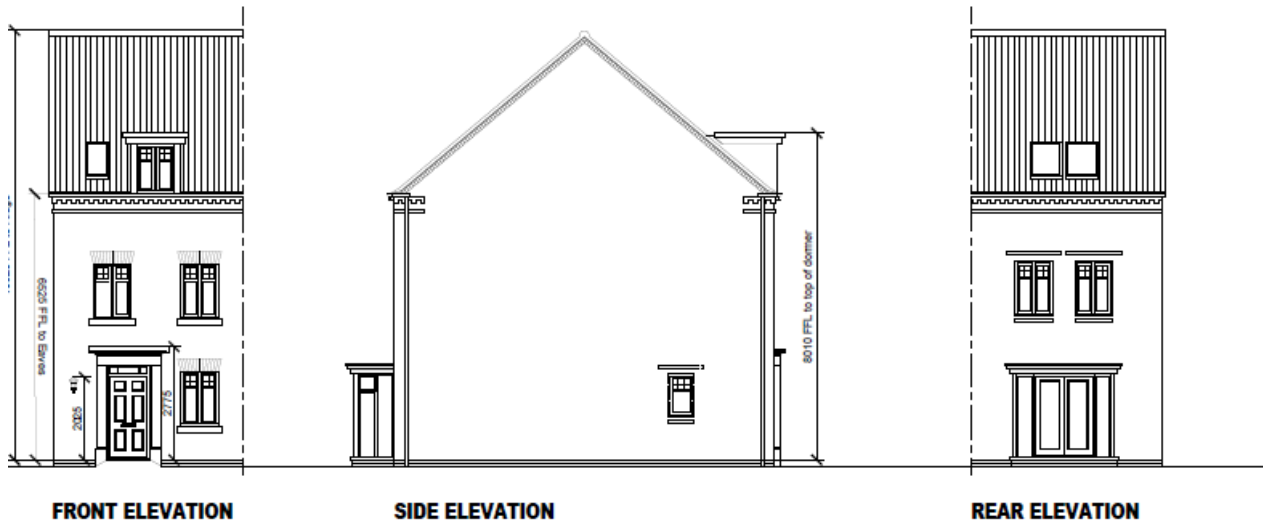
**SIDE ELEVATION**



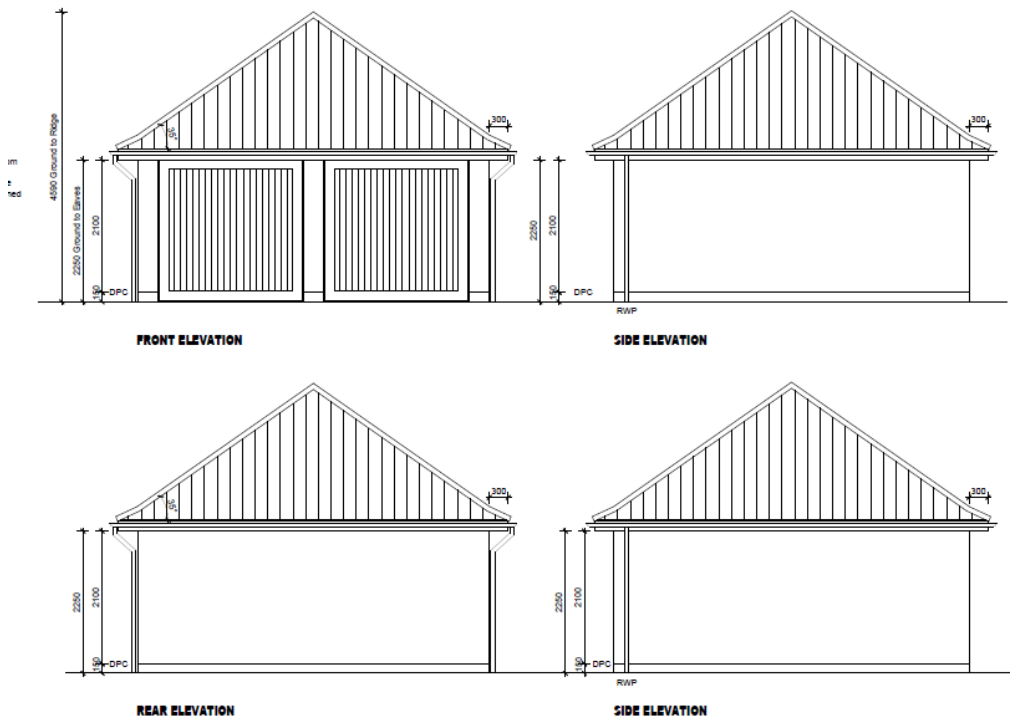
**REAR ELEVATION**



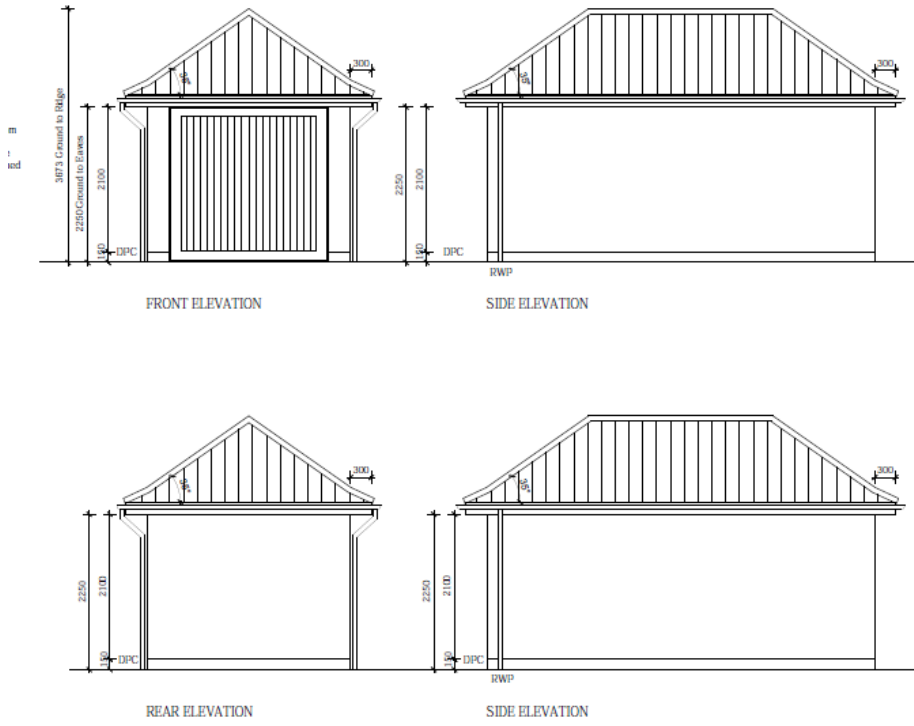
SH69-I-7 house type



Greenwood house type



Standard 2 x single garage types



Standard single garage



**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00056/OUT</b>
<b>LOCATION:</b>	<b>Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth</b>
<b>PROPOSAL:</b>	<b>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.</b>

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

1 Executive Summary

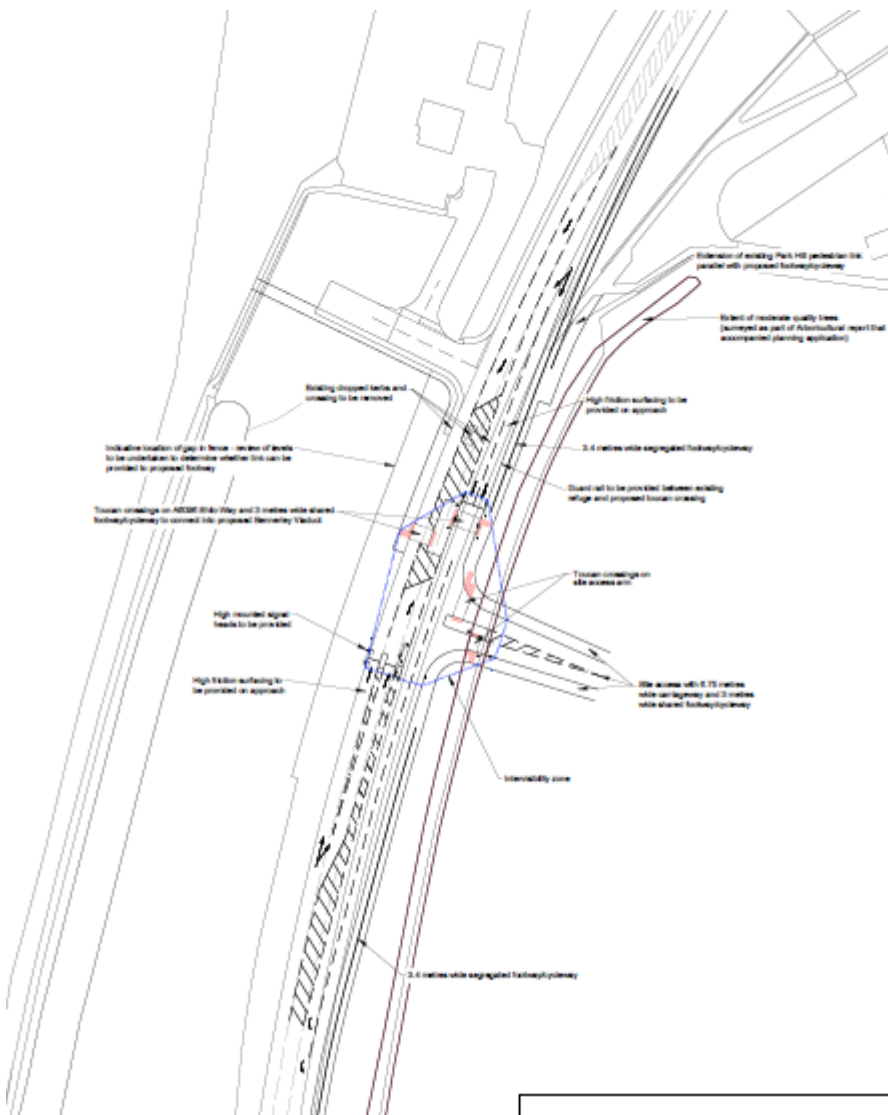
- 1.1 This major application seeks outline planning permission for up to 250 dwellings and associated infrastructure with all matters reserved for consideration at a later date, save for access. The application site has been allocated in the Part 2 Local Plan which was adopted in October 2019 for residential 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 1<sup>st</sup> 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

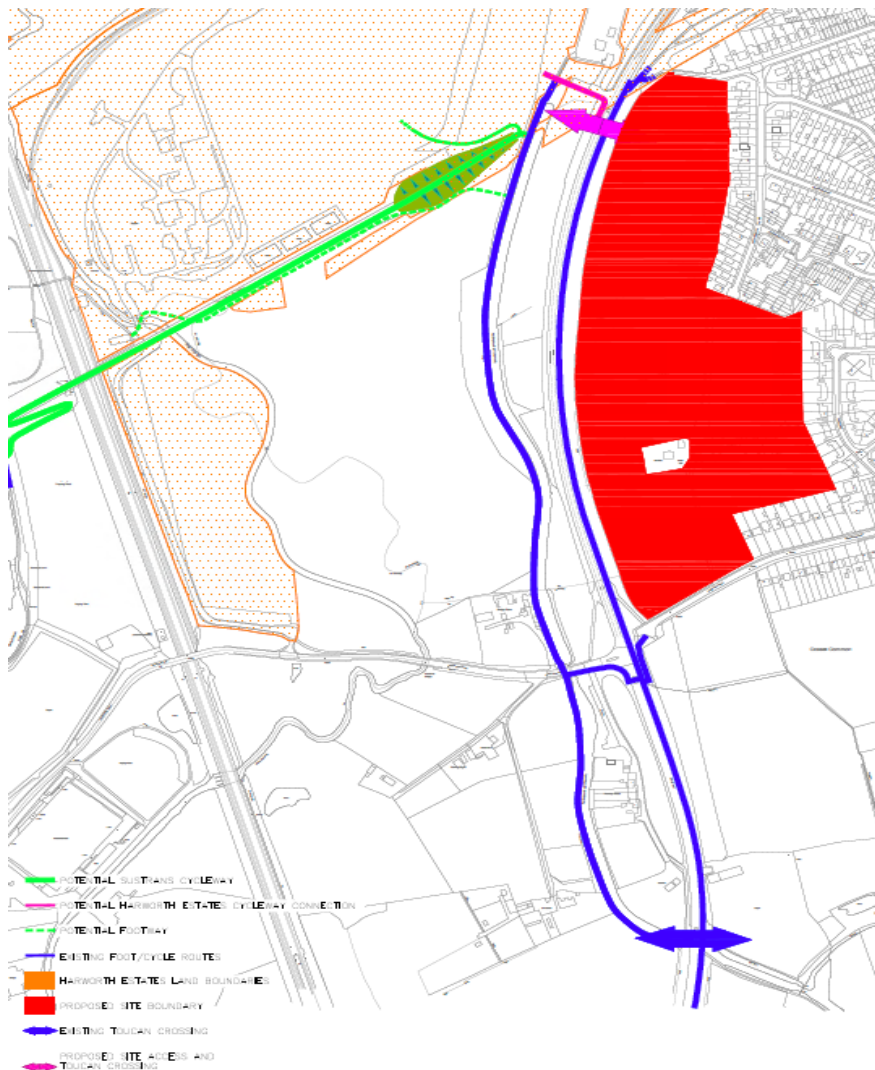
- 6.4.1 A Transport Assessment (TA) has been submitted with the application. This considers the likely impact on the operational performance of the adjacent highway network and transportation infrastructure and assesses the adequacy of existing transportation facilities in meeting the needs of the proposed 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 Awworth 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.

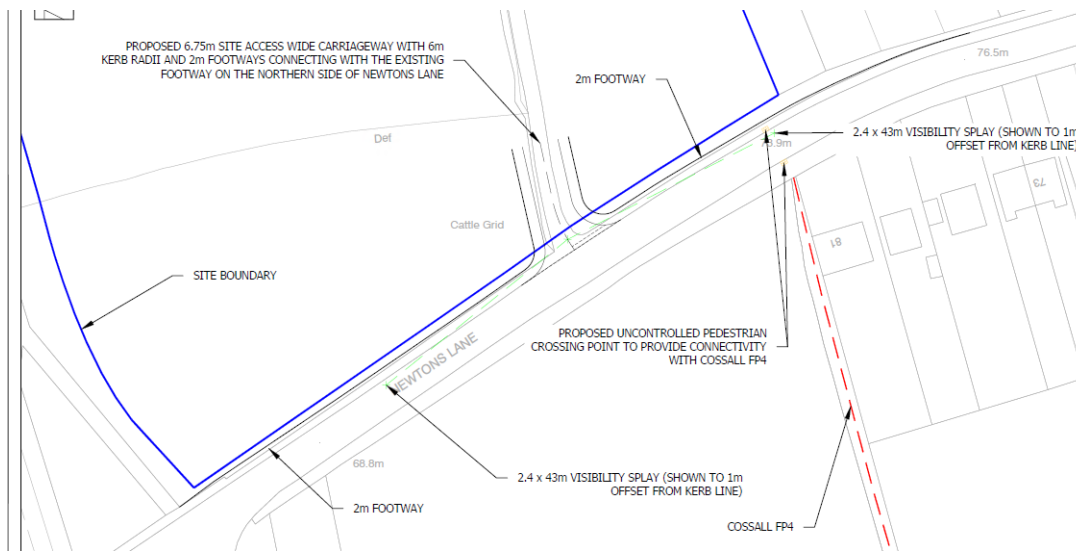


Schematic plan showing existing and proposed cycle and pedestrian links

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/Awsorth 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.

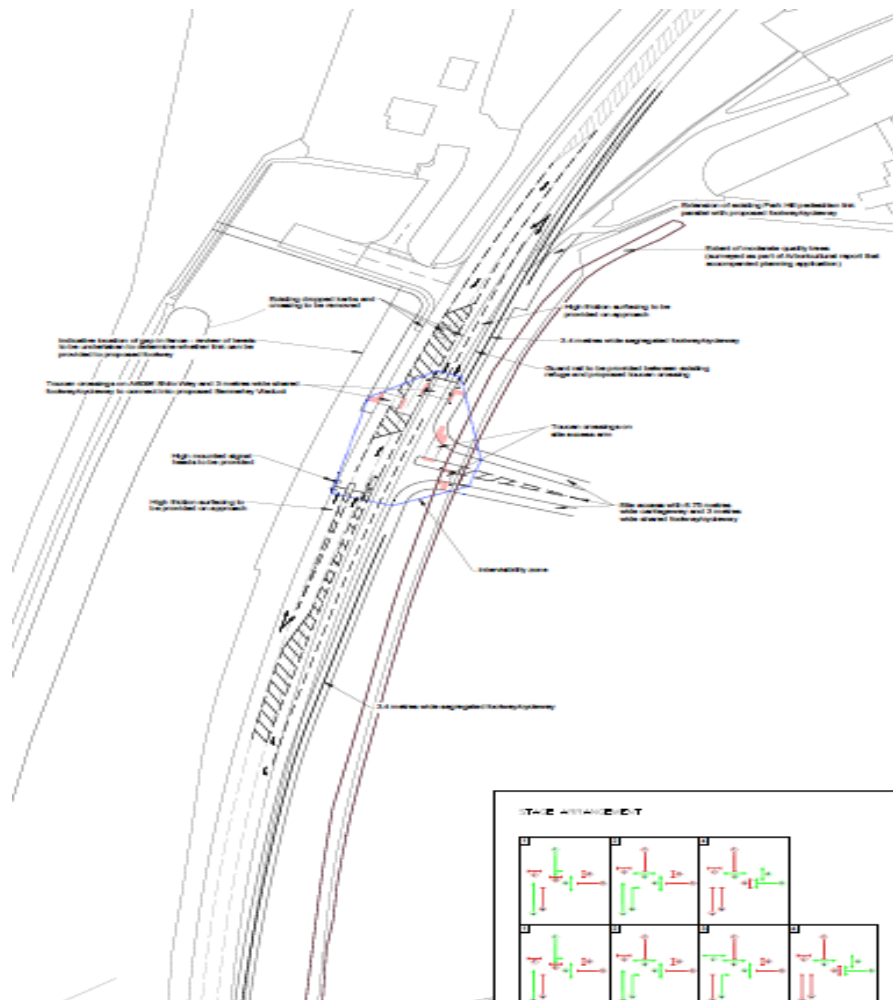


Proposed secondary access

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 Awsorth 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 landuse, 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-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 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.

<u>Recommendation</u>	
<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> <ul style="list-style-type: none"> <li>(i) the prior completion of an agreement under section 106 of the Town &amp; 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</li> <li>(ii) the following conditions:</li> </ul>	
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><i>Reason: For the avoidance of doubt and in the interest of highway safety.</i></p>

<p>4</p>	<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"> <li>- A report containing the findings of the intrusive investigations;</li> <li>- 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;</li> <li>- The submission of a scheme of treatment for the on-site mine entries for approval; and</li> <li>- The submission of a scheme of remedial works for the shallow coal workings for approval.</li> </ul> <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>
<p>5.</p>	<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"> <li>(a) the layout, scale, and external appearance of all buildings;</li> <li>(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</li> <li>(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;</li> <li>(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</li> </ul>

	<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>
<p>6.</p>	<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>
<p>7.</p>	<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"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>Reason: In the interest of highway safety</p>

<p>8</p>	<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>
<p>9</p>	<p>The detailed drawings and particulars required under condition 5 (e) shall include the following details:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) numbers, types, sizes and positions of proposed trees and shrubs including those to replace the highways trees removed;</li> <li>(c) proposed hard surfacing treatment;</li> <li>(d) planting, seeding/ turfing of other soft landscape areas including surrounding SUDs features;</li> <li>(e) details of the site boundary treatments and curtilage boundary treatments;</li> <li>(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</li> <li>(g) a timetable for implementation of the scheme</li> </ul> <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>
<p>10</p>	<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"> <li>● Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.</li> <li>● Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.</li> <li>● Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</li> <li>● Provide detailed design plans in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.</li> <li>● For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.</li> <li>● Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</li> </ul> <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>
<p>11</p>	<p>No development, including site clearance, shall commence until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority. No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>(i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</li> <li>(ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</li> </ul>

	<p><b><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></b></p>
<p>12</p>	<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"> <li>- An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);</li> <li>- An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime);</li> <li>- An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 (night time)</li> <li>- An LAmax fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time)</li> </ul> <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><b><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></b></p>
<p>13</p>	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.</p> <p><b><i>Reason: The application was submitted in outline only so no such</i></b></p>

	<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></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>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"> <li>a) Risk assessment of potentially damaging construction activities</li> <li>b) Identification of ‘biodiversity protection zones’.</li> <li>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).</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <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>

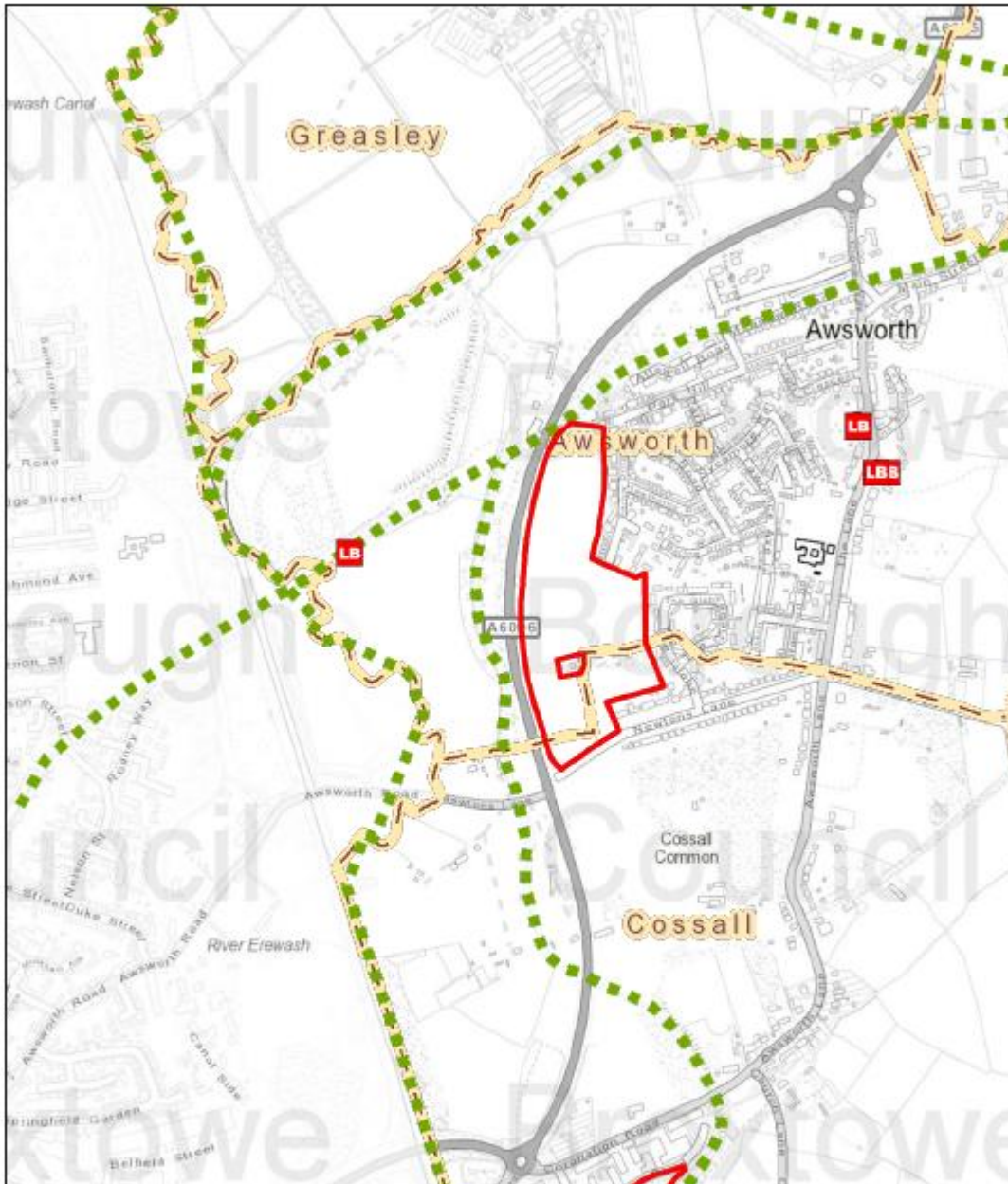
	<p><b>Planning Authority for confirmation. Measures shall include, but are not limited to:</b></p> <ul style="list-style-type: none"> <li>• Native wildlife planting (trees, berry rich shrubs, wildflower/grasslands)</li> <li>• Wildlife friendly surface water attenuation areas/wetlands/ponds</li> <li>• Future management of retained trees and hedges</li> <li>• Grasesland management (mosaic of heights)</li> <li>• Maintenance of ‘dark habitat’ areas and sympathetic lighting</li> <li>• Details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers)</li> <li>• Details of bird boxes (including swift boxes) will be clearly shown on a plan (positions/specification/numbers)</li> <li>• Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows)</li> <li>• Log/brush piles for amphibians</li> </ul> <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>
<p>17</p>	<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>
<p>18</p>	<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>
<p>19</p>	<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>
	<b>Notes to Applicant</b>
1	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2	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	<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 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.</p>
7	<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>
8	<p>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 <a href="mailto:health@broxtowe.gov.uk">health@broxtowe.gov.uk</a></p>
9	<p>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</p>

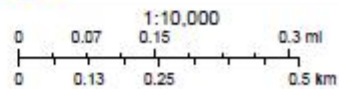
	<p>equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended)</p>
10	<p>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</p>
11	<p>Under 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><a href="https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property">https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</a></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 (<a href="http://www.stwater.co.uk">www.stwater.co.uk</a>) 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 <a href="mailto:plantprotection@cadentgas.com">plantprotection@cadentgas.com</a> 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
-  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

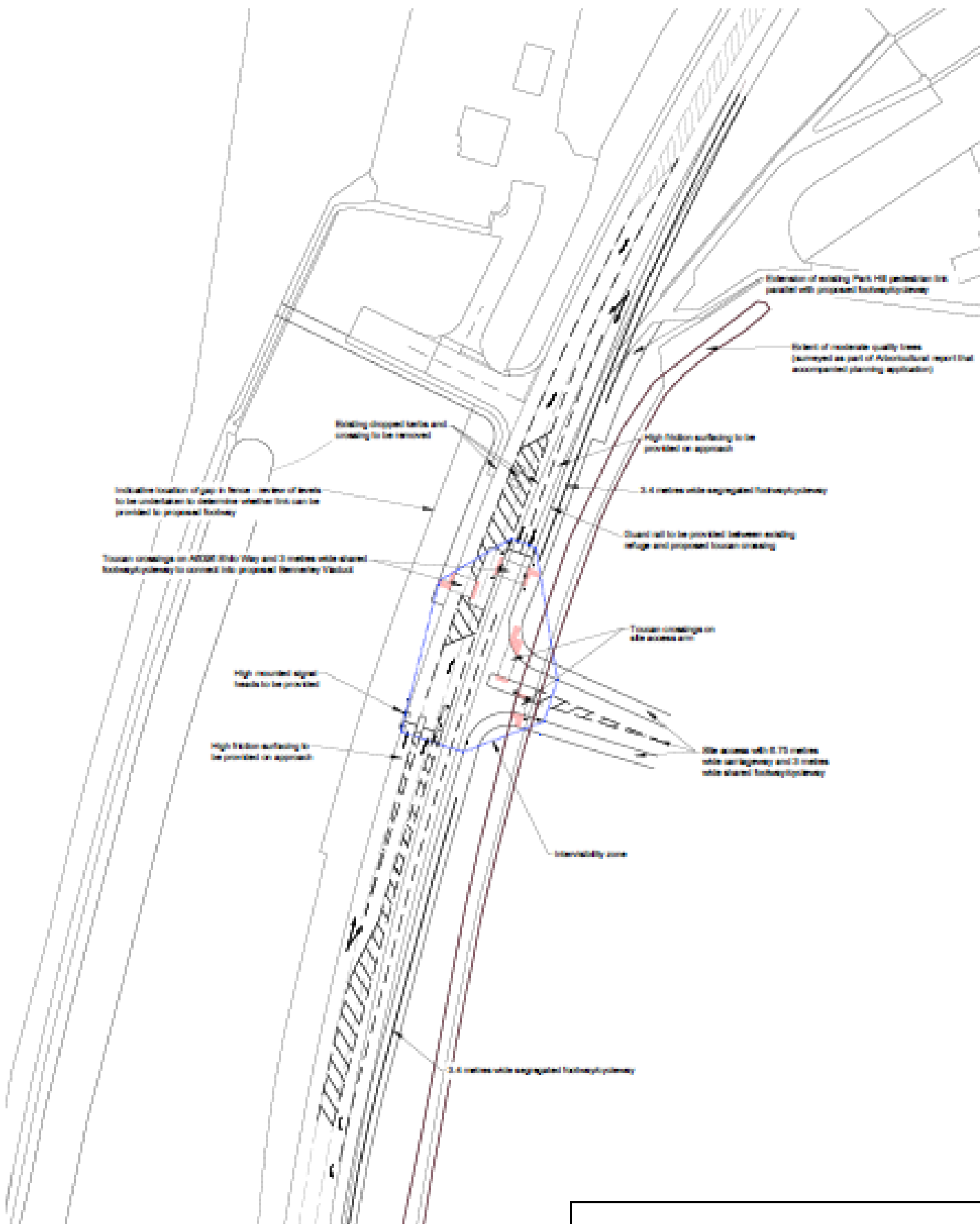


NE – SW showing bank of trees along A6096

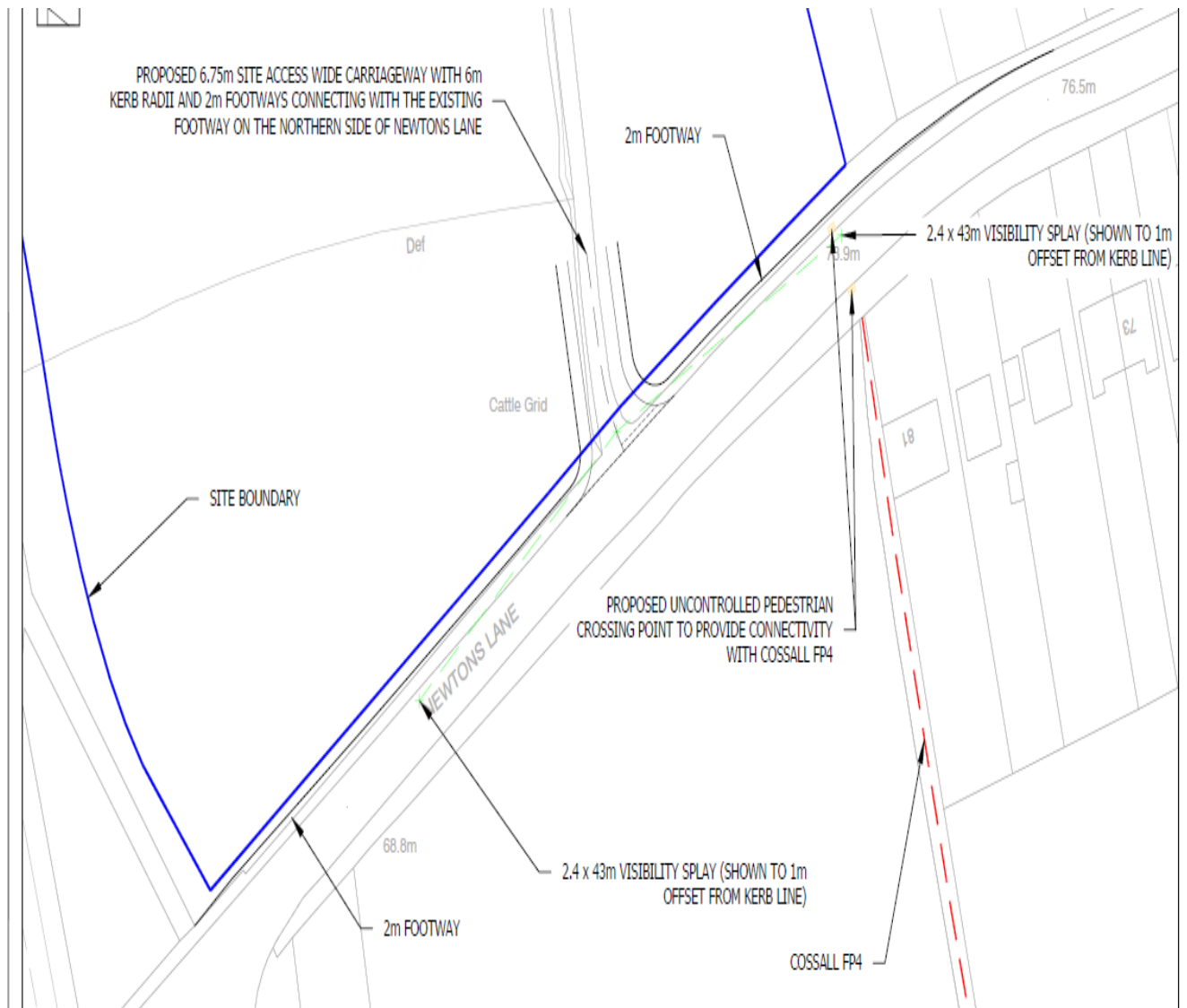


View from the A6096 of site and tree belt

Plans



Primary access



Secondary access

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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00820/FUL</b>
<b>LOCATION:</b>	<b>18 Princess Avenue, Beeston</b>
<b>PROPOSAL:</b>	<b>Construct two storey side and rear extension</b>

The application is brought to the Committee at the request of Councillor P Lally.

1 Executive Summary

- 1.1 This application seeks planning permission to construct a two storey side and rear extension on a semi-detached house.
- 1.2 The main issues relate to whether the development would have an acceptable impact on the character and appearance of the building and surrounds in terms of design and impact on neighbour amenity.
- 1.3 The benefits of the proposal are that it would be an extension to an existing dwelling, would have an acceptable design, would not have a significant negative impact on neighbour amenity, would provide accommodation in an existing urban area 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 area to the rear (which is a small area) and the minimal impact on light to no.16 due to the side extension being built up to the boundary with this property, but these matters are considered to be outweighed by the benefits of the scheme.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

## Appendix 1

## 1 Details of the Application

- 1.1 The proposal is for a two storey side and rear extension. The extension would have a hipped roof and would extend 2.3m beyond the side elevation. It would have a length of 9.5m (extending 1.3m beyond the rear elevation). The roof would have a ridge height (7.3m) set down 0.4m from original ridge towards the front, to the rear it would have a ridge height (6.8m) set down 0.9m from original ridge and an eaves height to match the house. The side extension would be setback from the front elevation at ground floor by 0.1m and at first floor would have a setback of 1m and would be built up to the boundary with no.16. The rear extension does not extend for the full width of the existing dwelling (it will only extend 4.6m) and would leave a gap of 3.5m between the extension and the boundary with no.20.
- 1.2 At the rear, on the first floor and ground floor, there would be two windows, to the front on the first floor and ground floor there would be one window. The side facing no. 16 Princess Avenue (south east) would be blank.
- 1.3 During the course of the application, amendments were made to the scheme which included lowering the ridge height of the proposed side extension, setting back the first floor from the front elevation and annotating information on the plans requested by the Council's Private Sector Housing Officer.

## 2 Site and Surroundings

- 2.1 The property is a semi-detached house with hipped roof, front bay window and shared canopy with no.20 (which would be extended across the front of the extension), side carport and single storey rear element with flat roof. The front boundary is a 0.8m high stone wall with metal gates, the frontage has a concrete paved drive and a lawn. On the south west boundary (front boundary with no.20), there is a 0.9m high fence, on the south east boundary (front boundary with no.16) there is a 0.9m high wire mesh fence followed by a 1.8m high fence to the side and rear. On the north east rear boundary, there is a 1.8m high fence and with no.20 (north west rear boundary), there is a 0.9m high fence. No significant level changes are apparent on the site.
- 2.2 The site is located in flood zones 2 and 3. Princess Avenue is a residential street of predominantly 1930's semi-detached housing. No.16 has one first floor north west side window, three ground floor windows and a door and a driveway next to the application property's side boundary. The Middle Street Resource Centre is located to the rear of the site and there is a tree within the centre grounds, beside the boundary with the application site. Many properties along Princess Avenue have off-road parking for one car (including no.16).

## 3 Relevant Planning History

- 3.1 There is no relevant planning history for the application property, but there is an application for prior approval (reference 21/00061/PNH) pending consideration. This is for a 5m long, single storey rear extension with flat roof.



#### 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 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 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 **Council's Environmental Health Officer:** No objections.

5.2 **Council's Private sector Housing Officer:** No objections providing:

- FD30 Fire doors are labelled
- Heat detectors/ fire alarm and emergency lighting locations are indicated
- Fire escape windows need to be fitted: ground floor bathroom, bedrooms 1 and 2
- Room sizes should be minimum of 8m<sup>2</sup>.

5.3 **Nottingham Express Transit** - the proposed development is located approximately 100 metres from the tramway. Therefore, no major issues or concerns with the application.

5.4 Five neighbouring properties were consulted on the original proposal, with three responses received, one making observations about the proposed development and two objecting to the proposal. The observation states that access rights will not be granted to the rear of the site during building works as unrestricted access to the car park used by Middle Street Resource Centre's staff must be available at all times.

5.5 The objections can be summarised as follows:

- Princess Avenue is a narrow cul-de-sac with significant levels of on-street parking – construction vehicles will disrupt traffic flows and increasing the amount of tenants would increase on-street parking.
- Loss of privacy

- Loss of daylight/sunlight
- Noise from students will be disruptive
- Concerns about health issues due to generation of dust during construction works
- Sun reflection from existing windows will be worsened due to new windows.

## 6 Assessment

6.1 The main issues for consideration are the design of the extension, the impact on neighbouring amenity, access and flooding.

### 6.2 **Principle**

6.2.1 The proposal is for a two storey side and rear extension. The property is located within a residential area, and as such, it is considered the development is acceptable in principle.

### 6.3 **Design**

6.3.1 In terms of mass and scale, it is considered that the extension does not represent a disproportionate addition as it is set back 0.1m from the front of the property at ground floor and 1m at first floor and set down 0.4m and 0.9m from the main ridge, making it clearly subservient to the main building and no terracing effect will occur. The side extension is a modest width (2.3m) and the rear extension does not extend for the full width of the original dwelling and replaces a smaller rear element.

6.3.2 The design is considered to match the style of the original dwelling as a hipped roof is proposed and the ground floor canopy roof will be extended. The set down of the proposed roof is considered to be appropriate and will distinguish the extension from the original house. The size of the extension will not dominate the existing building and it is considered that the design is acceptable. It is considered that the proposed extension will not result in an over intensive development of the site, or have a cramped effect that would be out of keeping with the character of the area.

6.3.3 Brickwork and roof tiles are proposed to be similar to existing materials and materials will be conditioned to match existing.

6.3.4 The development would be to the side and rear of the property and would be visible from Princess Avenue and from a distance, Middle Street. From Middle Street, due to the position of the site behind Middle Street Resource Centre, there would be limited sight of the rear extension, so it is considered to have no significant impact on the street scene. The side extension is set back from the front boundary; the first floor is setback by 1m and has a modest width so it is considered to have no significant impact on the street scene of Princess Avenue.

6.3.5 Overall, it is considered that an acceptable standard of design has been achieved and that the proposal would maintain the character of the property and have no adverse visual impact on the surrounding area.

## 6.4 Amenity

- 6.4.1 The north west elevation of the rear part of the extension would be blank and would be 3.5m away from the boundary with no.20. There is currently a degree of mutual overlooking between the application site and no. 20 due to the small rear gardens and low boundary treatment. Therefore, it is considered that the impact of the proposed rear windows and French doors will be unlikely different to the impact caused by the existing rear windows. The separation distance is considered to be sufficient to avoid any overbearing impact on no. 20.
- 6.4.2 The immediate neighbour to the south east is no.16. This property has four windows and a door in the north west side (one first floor and three ground floor, with the main windows being to the front of the property (south west facing), and the rear (north east facing). As the north west windows are secondary windows and already impacted by no.18 to a certain extent, it is considered the proposed extension will not have a significant impact on the light they receive.
- 6.4.3 The proposal would be noticeable from no.16 as the side extension would be two storeys and built up to the boundary with this property. However, it would have a blank side elevation, the roof height will be set down from the original ridge by 0.4m and this set down will be increased further to 0.9m towards the rear, thereby mitigating the mass and potential overbearing impact and any sense of enclosure. In addition, number 16 has a drive beside the site which creates some separation. The side and rear extension would extend beyond no.16's single storey rear element by 1.3m. It is considered that the height and style of the extension (hipped roof) has been designed to minimise the impact on no.16 with the reduced roof height and first floor setback amendments and the orientation of both properties meaning there will be no significant impact on the light received by no.16.
- 6.4.4 The rear extension would be facing Middle Street Resource Centre and would be between 4.6m and 7m away from the boundary with this property, which has a parking area beside the rear site boundary. The proposed development would be visible from this property, albeit at a distance of 11.8m. To the front, the side extension would be noticeable from the properties on the opposite side of Princess Avenue, albeit at a distance of 14m from nos. 13 and 15's boundary with the highway. Therefore, due to the distance, it is considered that the proposal would have no significant impact on the neighbours at Middle Street Resource Centre nor on the opposite neighbours on Princess Avenue.
- 6.4.5 A degree of noise and disturbance, including dust, is to be expected from construction works. Anything that is considered to be excessive will be dealt with by the Environmental Health Department. With regard the concern about sun reflection, this is considered to be not materially harmful giving the existing buildings in this built-up residential area.
- 6.4.6 One concern raised relates to the loss of privacy due to the type of occupants (students) that could potentially be living in the property. It is acknowledged that due to the location of Princess Avenue being close to The University of Nottingham's campus and the Article 4 direction in place in Nottingham, family homes have been and are being developed into student houses within Beeston. At the moment, there are no planning restrictions to prevent a House in Multiple

Occupation (HMO) (up to and including six bedrooms). It is considered the proposed extension would be acceptable in terms of its design and size, irrespective of the type of tenant and retains a family home appearance that is in keeping with the character of Princess Avenue.

6.4.7 Once extended, the house would have six bedrooms. As the property is not proposed to be used by more than six residents, no change of use planning application is required. If the property is left in an unacceptably untidy state which is harmful to the amenity of the area, or if the occupants of the property cause undue noise nuisance, then action can be taken under Planning or Environmental Health legislation.

6.4.8 Once extended, the property will have a relatively small rear garden but this is considered acceptable as some residents do not want a large garden and there is no set garden size requirement in the Local Plan.

**6.5 Access**

6.5.1 The property has off-road parking provision for one vehicle and the proposal would increase the number of bedrooms at the property from three to six. However, this is considered acceptable and the proposed extension is unlikely to generate significant additional demand for parking, since the property is in a sustainable location, close to all the amenities in Beeston town centre, and there are frequent public transport links, including trams and buses, within walking distance of the property on Middle Street. Construction vehicles will need to access the site and it is considered this can be managed appropriately on this cul-de-sac without detriment to highway safety.

**6.6 Flooding**

6.5.1 The site is located within Flood Zones 2 and 3. A Flood Risk Assessment has been submitted which confirms that floor levels will be set no lower than existing, and the development will receive flood proofing where appropriate. It is considered that flood risk issues have been adequately considered and that the development will not increase flood risk.

**7 Planning Balance**

7.1 The benefits of the proposal are that it would be an extension to an existing dwelling and would have an acceptable design.

7.2 The negative impact is the potential for some loss of neighbour amenity.

7.3 On balance, it is considered that the impact on neighbour amenity would not be significant so as to outweigh the benefits of the proposed development, which complies with adopted policy.

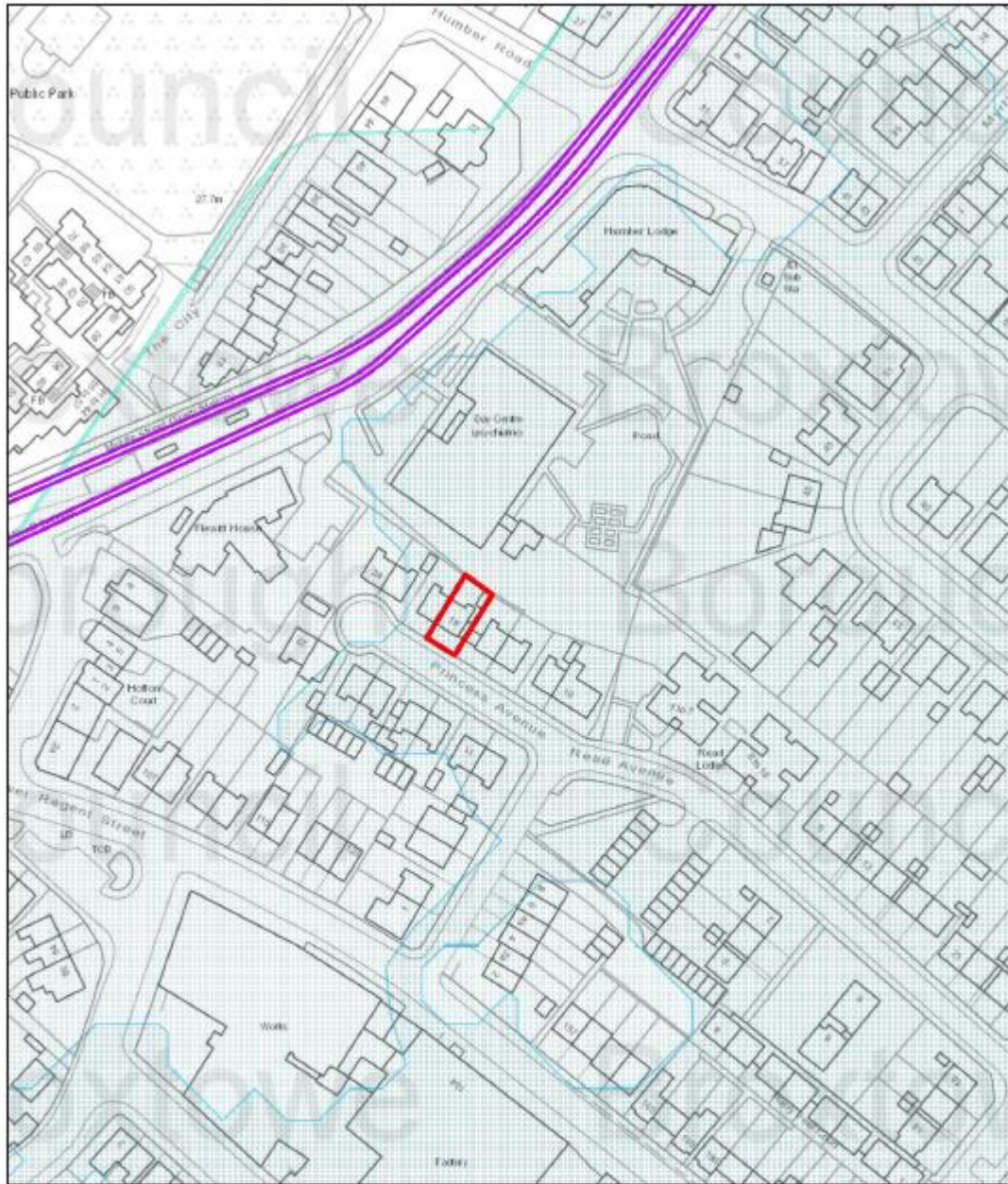
**8 Conclusion**

8.1 For the reasons set out above, it is considered that the development is acceptable, complies with Policies A, 1 and 10 of the Aligned Core Strategy (2014) and Policies

1 and 17 of the Part 2 Local Plan and planning permission should therefore be granted subject to the conditions set out below.

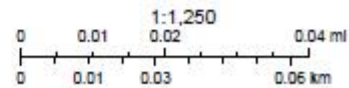
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <i>Reason: 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>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 23 November 2020, Proposed Block Plan received by the Local Planning Authority on 10 December 2020 and Proposed Elevations and Floor Plans Revision A received by the Local Planning Authority on 01 February 2021.</b>  <i>Reason: For the avoidance of doubt.</i>
<b>3.</b>	<b>The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.</b>  <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>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>
<b>2.</b>	<b>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: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></b>

18 Princess Avenue, Beeston 20/00820/FUL



2/16/2021, 5:18:01 PM

-  Tram Route
-  Flood Zone 3
-  Flood Zone 2
-  Site



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Photographs



Front (south west) elevation.



Rear (north east) elevation.



Rear boundary with no.20



Rear boundary with no.16



Boundary with Middle Street Resource Centre

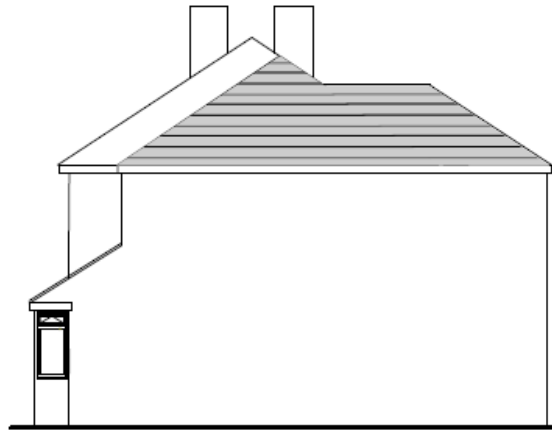


Side boundary with no.16

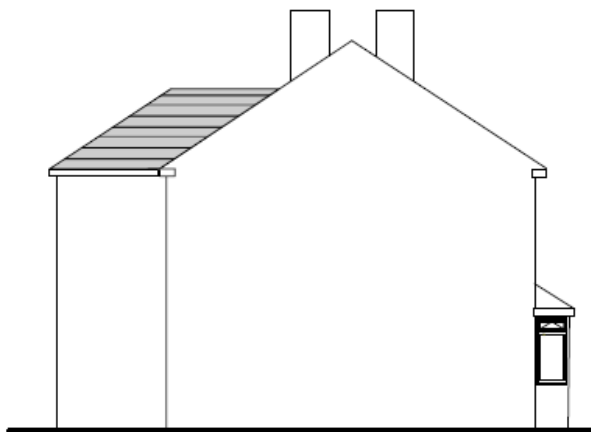
Plans (not to scale)



*PROPOSED FRONT ELEVATION*



*PROPOSED SIDE ELEVATION*

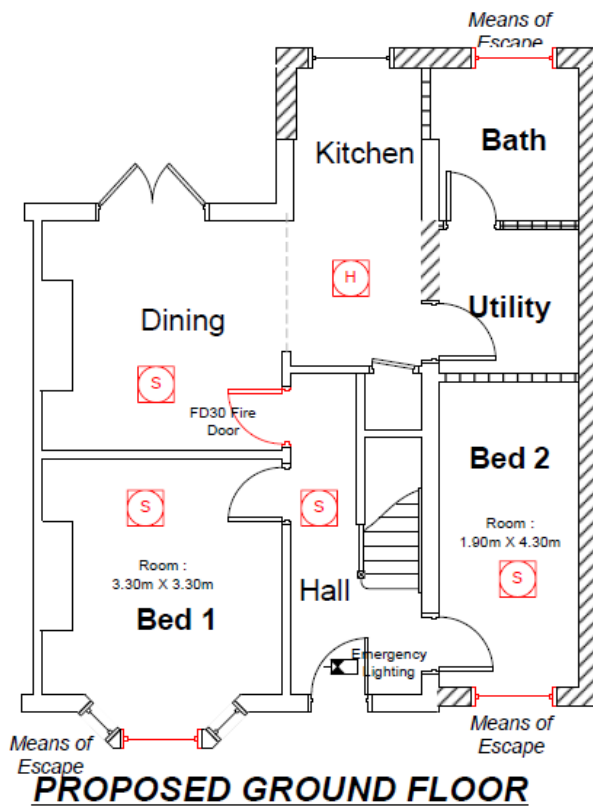
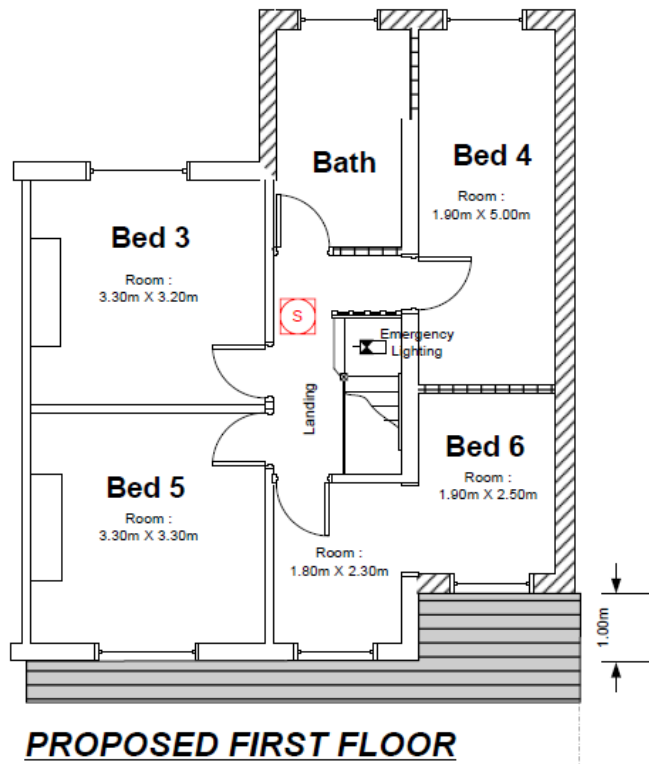


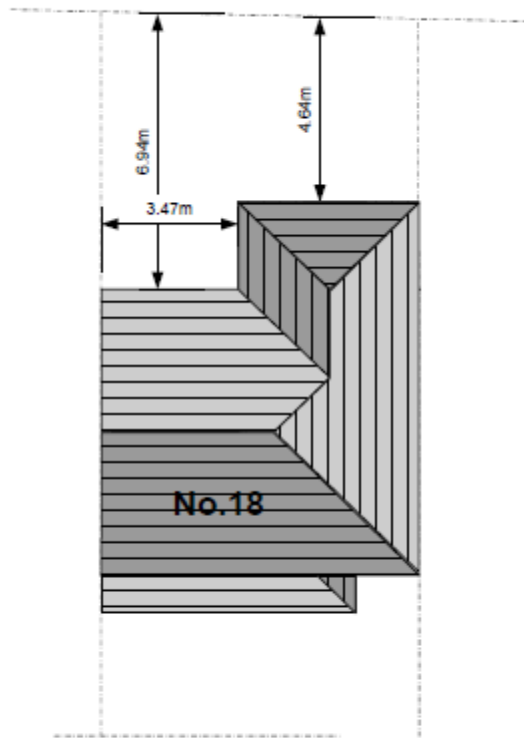
*PROPOSED SIDE ELEVATION*



*PROPOSED REAR ELEVATION*







***Princess Avenue***

**Block Plan**