

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00116/FUL</b>
<b>LOCATION:</b>	<b>Field Farm, Ilkeston Road, Stapleford, NG9 8JJ</b>
<b>PROPOSAL:</b>	<b>Hybrid application comprising: Full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail, financial and professional services, restaurants/cafes, drinking establishments, hot food takeaways - Classes A1-A5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved).</b>

1 Executive Summary

1.1 This application was deferred from the meeting on 30 September 2020 to enable further consideration of flooding, the hedgerow beside Ilkeston Road and parking for existing residents. The 30 September report is attached as an appendix.

2 Additional information/consultation comments/representations

2.1 Following the publication of the 30 September report, additional information was received as follows. Nottinghamshire County Council emailed (28.9.20) stating that the contribution for secondary school education (cited in paragraph 6.9.5 of the report) of £604,598 should actually be £624,987. This figure is calculated by removing the requirement to pay the junior school element of the primary contribution (£60,000) and reallocating this towards secondary education. It also reflects the final balance paid by the developer for the infant school element of the primary contribution (£485,000 + £215,388 indexation). The applicant accepts this amended figure and confirmation of this was attached to the email. This revision will be reflected in the S106 Agreement.

2.2 A local resident (28.9.20) emailed raising concerns which can be summarised as follows:

- Concern expressed at further impact from proposed phases having been affected by phase 1.
- Flood Risk Assessment (FRA) makes the assertion that “the development will bring about improvement to the surface water regime in the area and hence will not increase flooding adjacent to or downstream of the site”. However, Boundary Brook has overtopped with water flowing into Cranborne Close on three occasions in eight months. In February 2020, five properties on the Close experienced internal flooding which caused significant damage.
- FRA states surface water drainage system should be capable of retaining a ‘1 in 100 year (plus climate change allowance of 40%)’ event on site, achieved by holding tanks, of which one already exists as part of phase 1.

- The phase 1 tank was not sufficient to hold the floodwater in February 2020. The provision of one further holding tank for the further phases of the development will worsen the situation.
- The application should be rejected to allow: an independent FRA; increase in the volume of storm surface water to be retained within the site and an increase in the capacity of Boundary Brook to carry floodwater. Recognises that this third suggestion may not be the direct responsibility of the developer but funding should be required towards the works.
- Fears legitimate concerns of residents downstream of Field Farm will be ignored.

2.3 An email from a local resident to the Council's Head of Property Services (28.9.20) was also received which attached an email sent to Darren Henry MP and ward councillors (23.8.20) requesting a full transcript of a Zoom meeting which took place on 6.8.20 and involved local residents, Darren Henry MP, the Environment Agency and Council representatives. The attachment can be summarised as follows:

- Consider the transcript essential to preparatory work prior to the further residents' meeting.
- Residents still need answers to longstanding questions on contributory causes and measures to prevent recurrence.
- Challenges purpose and timing of meeting on 6<sup>th</sup> August.
- Severn Trent Water (STW) response that matter is not their responsibility contradicts both Broxtowe BC and VIA, who identified a role for STW.
- Notes that the Environment Agency (EA) also planned a meeting (cancelled due to covid) months before Mr. Henry MP's involvement. Timing and venue not yet fixed.
- Meeting agreed Mr. Henry MP's objectives for a lead agency and actions for support agencies, however residents could not properly examine and question RMAs' position.
- Notes that Broxtowe BC have no drainage team with this becoming the role of the LLFA since 2012. Comments, however that they and EA share responsibility in planning advice and approval for both Trowell Park and Field Farm and that approval of phase 2 could exacerbate the problem.
- Insufficient time left for rigorous questioning at meeting.
- Residents affected by internal flooding have still not had repair works completed (23.8.20).
- No confidence in RMAs, no understanding of severity of the problem, lack of empathy, and agreement on causes and remedies.
- EA defence advice is not useful or property specific.
- Need reassurance of new prevention measures ahead of safe return home, including street drainage and the Boundary Brook bank level, as well as holding ponds at Field Farm.
- Look to our political representatives to drive agenda.

2.3.1 The comments made in the email of 28.9.20 can be summarised as follows:

- Drainage the main problem, as floodwater had entered properties from the sloping streets at the front of our property, not at all from the Boundary Brook at the rear, despite the multi-agency position it was due to obstruction of the brook.

- Accept that Broxtowe Borough have no responsibility and this is with Nottinghamshire County Council and notes attendance at Zoom meeting on 6<sup>th</sup> August.
- The flood attenuation element of application is paramount with clear potential for further serious flood risk, to downhill, downstream Trowell Park.
- Residents are concerned that flood risk has the highest profile and fullest consideration, in scrutiny and/or approval.
- Public participation is severely restricted for a variety of reasons.

2.4 Stapleford Town Council (1.10.20) queried whether their comments on the application had been received (which they had not). The Town Council have confirmed (15.10.20) that the key point raised in their comments was in relation to NPPF (paragraph 177) and the fact that the development has not been considered in conjunction with other developments coming forward in the area which all have a cumulative adverse impact on the local ecology. They also raise concern that the buffer zone along Boundary Brook is not deep enough. These points are both addressed in the 30 September report (paragraphs 6.4.10 and 6.4.5 respectively).

2.5 The applicant has submitted a further supporting statement incorporating a Flood Risk Addendum (prepared by their consultant) (14.10.20) to address the concerns raised by committee. This statement notes that the application has the full support of officers and, notwithstanding the ongoing dialogue with Highways England, there are no unresolved objections from any statutory consultee, including the Environment Agency and the County Council as Lead Local Flood Authority (LLFA). Accordingly, the application accords with the development plan and should be approved. In relation to the request by Committee to employ local people on the site, the applicant has confirmed there are five companies based in the Broxtowe area engaged on the site, employing 59 people, 22 of whom live in Broxtowe. There are a further 18 companies engaged on site based within the Nottingham/Derby area, employing 108 staff of which 11 live within the Broxtowe area. These companies and individuals rely on a stable and timely supply of work.

2.6 In terms of flooding, the statement confirms that:

- the Field Farm development did not contribute to the February 2020 flooding event in Cranborne Close.
- Significant proportion of Trowell Park estate is within Flood Zone 3 - highest category of flood risk - this has not changed as a result of the development.
- The Trowell Park estate includes no storm water sewer balancing whereas the Field Farm development will have balancing ponds that can store up to 3500 cubic metres of water.
- Flooding in February 2020 was caused by a sustained period of heavy rainfall, following which Boundary Brook burst its banks downstream of Stapleford Road culvert
- Upstream of Stapleford Road culvert, Boundary Brook was contained within works undertaken to retain water on the development side of Stapleford Road
- Water infrastructure in place is 1) a new flood plain for Boundary Brook 2) relief pipe for Trowell Road combined sewer 3) balancing pond 4) Trowell Road culverts maintained (all shown on the aerial photograph below which is an extract from the Flood Risk addendum):



**FIELD FARM WATER INFRASTRUCTURE**

- 1** **Boundary Brook New Flood Plain**  
 This area was excavated PRIOR to flood proofing the development site. This was done to make sure the development will not displace stored flood water and thus flood risk has not increased elsewhere as a result. Where water levels over spill the brook banks they can flow into this area and be stored until the storm event subsides.
- 2** **Relief Pipe for Trowell Road Combined Sewer**  
 Before the construction of any properties a large 1.2m diameter relief pipe was built to provide additional capacity for the local combined sewer network. Whilst this pipe does provide a four drainage route for the development, its main purpose is to accept water from the existing combined sewer in times of high demand. This has alleviated pressures on the storm water systems in the area.
- 3** **Phase 1 Balancing Pond**  
 This pond has been formed to hold storm water from the new development and let it trickle out to the Brook at a controlled rate. Thus all the new roofs and paved areas will not cause an increase in Brook flows and flood risk has not been increased elsewhere as a result. The flow rate has been set to the annual average greenfield rate, and will be maintained for more severe storms thereafter. As a result in very intense scenarios the flow rate of water that would have drained off the field will actually be reduced.
- 4** **Phase 2 Balancing Pond**  
 Pond for phase 2 working to the same principles as phase 1
- 5** **Trowell Road Culverts**  
 These culverts have not been altered. Thus they remain the same size and the flow rates they can pass on to the downstream brook will be the same as before.

- There is no greater risk of flooding either on site or off site in comparison to the undeveloped field as greenfield run-off rates are maintained
- No works have been undertaken to the Stapleford Road culvert so the volume of water able to pass from the Field Farm site to Trowell Park is unchanged
- The applicant sympathises with residents but is unable to resolve wider flooding issues through their development and it would be unreasonable to expect them to do so.
- The applicant is able to ensure their development is sustainable in flood risk and drainage terms and that it will not increase flood risk off site. All drainage designs have the full approval of STW, EA and the LLFA.

2.7 The Flood Risk addendum includes the following additional points:

- Significant flood mitigation measures were implemented prior to the commencement of Field Farm Phase 1
- Timing of February 2020 flood event and development is purely coincidence
- Trowell Park estate is approximately 100m west of Field Farm and downstream in terms of the Boundary Brook catchment
- Presumed Trowell Park estate built in the 1990s, pre-dating the introduction of development flood risk guidance so parts of the estate were built in high risk flood zones and the development itself has increased flood risk in the area because there is no storm sewer balancing which is now standard practice on new developments
- Field Farm will have balancing ponds that can store up to 3,500,000 litres of storm water and Trowell Park estate has no such facilities
- Due to climate change, areas of the estate which previously did not flood, may now start to flood
- Boundary Brook New flood plain - where water levels over spill the brook banks, they can flow into this area and be stored until the storm event subsides
- Relief pipe for Trowell Road combined sewer – this 1.2m diameter pipe was constructed before any properties were built on site to provide additional capacity for the local combined sewer network. Whilst the pipe provides a foul drainage route for the development, its main purpose is to accept water from the existing sewer in times of high demand.
- Phase 1 and 2 balancing ponds – these ponds hold storm water from the new development and let it trickle out to the Brook at a controlled rate. Thus the new roofs and paved areas will not cause an increase in Brook flows and do not increase flood risk elsewhere. The flow rate has been set to the annual average greenfield rate and will be maintained for more severe storms thereafter:

Storm Event	Greenfield Rate	Proposed Pond Outflows	Result
Annual Average (QBAR – 2yr approx..)	50.4 l/s	50.4 l/s	Equivalent brook flow
30 year	97.091 l/s	50.4 l/s	48 % reduction in flow rate off the site
100 year	127.82 l/s	50.4 l/s	60 % reduction in flow rate off the site

Accordingly, in very intense scenarios, the flow rate that would have drained off the field will be reduced.

- Trowell Road culverts – these have not been altered and flow rates remain as before development. Only more water could be passed on if the Brook over topped Trowell Road, which did not occur in February 2020.
- All the water infrastructure on site has received the relevant regulatory approvals: the Boundary Brook floodplain design was vetted and approved by the EA who also inspected the completed works; the combined sewer relief pipe design was vetted and approved by STW who also inspected the pipe during construction and the Phase 1 balancing pond was vetted and approved by STW who inspected the pond during construction (phase 2 pond will go through same process).
- Field Farm development is sustainable and will not increase flood risk off site due to the significant diligence and investment of Westerman Homes
- Flooding on Trowell Park estate is a pre-existing problem. The Field Farm development has not caused or increased flood risk for the wider area.

2.8 In relation to parking on Ilkeston Road, the applicant states that any Traffic Regulation Orders are a requirement driven by the Highways Authority and are outside the applicant's control. A TRO will only be required as a planning condition in order to make the development safe in highway terms. To refuse or defer the application based on the Highway Authority having no objection subject to conditions, including a TRO on Ilkeston Road, would be without any material planning substance.

2.9 In relation to the hedgerow beside Ilkeston Road, the applicant confirms this will be maintained and retained except where a road or path crosses it. The applicant states the footpath crossing the hedge was included at the request of the Council.

2.10 In relation to the supporting statement, NCC as Highway Authority (16.10.20) have confirmed the TRO is necessary to facilitate the safe operation of the junction and initiating the TRO process is within the applicant's control.

2.11 In relation to the Flood Risk addendum, NCC as Lead Local Flood Authority (20.10.20) confirm the proposals are correct by current design standards and have no comments regarding them.

2.12 Highways England (20.10.20) maintain a holding response to the application as further modelling work/clarification is required in relation to the A52. This matter is being progressed by the applicant and an update will be provided at the meeting.

### 3 Assessment

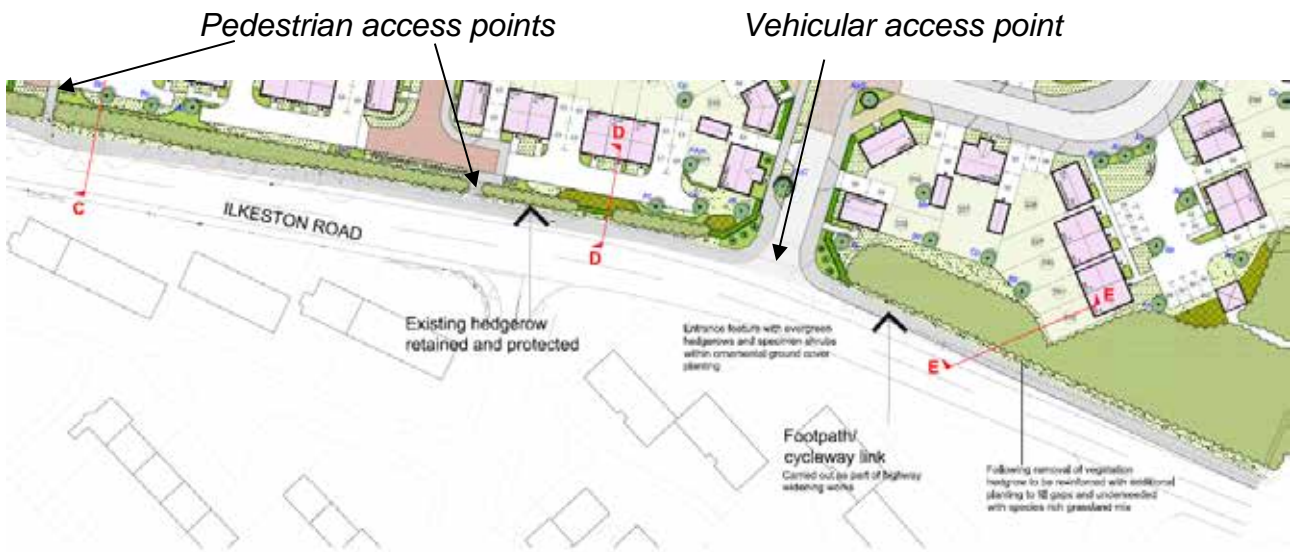
#### 3.1 **Flooding**

3.1.1 The development has not increased flood risk on or off-site. A number of flood mitigation measures have been provided on the Field Farm site and these measures ensure the flow rate is the same as when the site was undeveloped – greenfield run-off rate. A significant part of Trowell Park estate is located within Flood Zone 3, a high flood risk area, and the development at Field Farm has not changed this. Flooding that has occurred has been as a result of unprecedented

rainfall. Field Farm will have balancing ponds that can store up to 3,500,000 litres of storm water and Trowell Park estate has no such facilities. No statutory drainage/flooding authority has objected to the development. A refusal on flooding grounds could not be substantiated.

**3.2 Hedgerow**

3.2.1 The hedgerow beside Ilkeston Road will be retained except where it is necessary to remove sections to create vehicular (with the required visibility splays) and pedestrian access (in three places as shown below):



3.2.2 The existing hedgerow is overgrown and the proposals involve management of the hedge to promote attractive and healthy growth. Such proposals are considered to be acceptable and will facilitate pedestrian access to and from the site. The provision of additional planting on site is secured by condition and includes a number of shrubs, hedgerows and trees which more than compensates for any small sections of lost hedgerow. The landscaping scheme for the site is considered to be comprehensive and will result in an attractive and diverse scheme. It is considered the provision of a safe access for the site and the additional planting proposed significantly outweigh the loss of the small sections of hedgerow and would not amount to a reason for refusal.

**3.3 Parking**

3.3.1 The County Council as highway authority have advised that the Traffic Regulation Order (TRO) required by condition 25 is required to remove any parking that would compromise the safe operation of the proposed junction. It would not restrict parking along the whole length of Ilkeston Road. On-street parking will therefore still be available along Ilkeston Road for existing residents. This matter would not justify a refusal of the application.

**3.4 Conclusion**

3.4.1 The development on the Field Farm site has not increased flood risk on or off-site, the hedgerow is to be largely retained and parking for existing residents on-street will still be possible. The recommendation therefore remains unchanged from 30

September 2020 (with the addition of two notes to applicant), to grant planning permission as set out below.

<p><b><u>Recommendation</u></b></p> <p>The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <ul style="list-style-type: none"> <li>(i) the comments of Highways England being addressed;</li> <li>(ii) 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 of education measures, off-site affordable housing, off-site highway works, maintenance of open space and integrated transport measures; and to ensure the provision and equipping of the play area/open space on site, and</li> <li>(iii) the following conditions:</li> </ul>	
	<p><b><u>Conditions in respect of outline element</u></b></p>
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>No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.</p> <p><i>Reason: To secure an orderly form of development.</i></p>
4.	<p>No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing 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) the means of access and parking provision within the site;</li> <li>(c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;</li> <li>(d) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout). These details shall be related to a known datum point;</li> <li>(e) landscaping.</li> </ul> <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 so 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 and in accordance with the aims of the NPPF, Policy 17 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 be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;</li> <li>(b) numbers, types, sizes and positions of proposed trees and shrubs;</li> <li>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</li> <li>(d) planting, seeding/turfing of other soft landscape areas;</li> <li>(e) lighting details and</li> <li>(f) a timetable for implementation of the scheme.</li> </ul> <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so 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</i></p>

	<p><i>satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> <li>(a) site access for construction vehicles</li> <li>(b) the parking of vehicles of site operatives and visitors</li> <li>(c) loading and unloading of plant and materials</li> <li>(d) storage of plant and materials used in constructing the development</li> <li>(e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>(f) wheel washing facilities</li> <li>(g) measures to control the emission of dust and dirt during construction.</li> </ul> <p><i>Reason: The application was submitted in outline only so 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 highway safety, to minimise disturbance to neighbour 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>7.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and 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 application was submitted in outline only so 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 safeguarding bats and breeding</i></p>

	<p><i>birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting, visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site 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>9.</p>	<p>No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Authority.</p> <p><i>Reason: The application was submitted in outline only so 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, to protect residents from excessive transport noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority.</p> <p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>i) all appropriate measures for that building 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 for that building have been implemented in full.</li> </ul>

	<p><i>Reason: The application was submitted in outline only so 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 public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following:</p> <ul style="list-style-type: none"> <li>(a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters;</li> <li>(b) 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>(c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;</li> <li>(d) a timetable for implementation; and</li> <li>(e) details of the responsibility for the future maintenance and management of the surface water drainage systems.</li> </ul> <p>The respective schemes shall be implemented in accordance with the details to be agreed under (d) and thereafter maintained in accordance with the agreed details for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i></p>
<p>12.</p>	<p>No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
<p>13.</p>	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or</p>

	<p>similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity, railway safety 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>14.</p>	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 5 (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, including the TPO woodland, 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>15.</p>	<p>The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>16.</p>	<p>No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>17.</p>	<p>No fixed plant, machinery or equipment shall be installed within the site of the local centre until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment, has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development. The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard</p>

	<p>BS4142:2014, at a point one metre external to the nearest residential dwelling.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
18.	<p>No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
19.	<p>The hereby permitted local centre shall have a total floorspace not exceeding 500 square metres.</p> <p><i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i></p>
20.	<p>No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads 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>
21.	<p><b><u>Conditions in respect of full element</u></b></p> <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>

<p>22.</p>	<p>No development, including site clearance, shall commence until measures to protect the retained hedgerow beside Ilkeston Road 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.</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>23.</p>	<p>No development, including site clearance, shall commence until precise details of breeding bird mitigation measures, based on the submitted Bird compensation and enhancement measures (11314/ZJ/20), and including numbers and positions of bird boxes, have been submitted to and agreed in writing by the Local Planning Authority. The mitigation shall be completed in accordance with the agreed details.</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>24.</p>	<p>No development, including site clearance, shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> <li>(a) site access for construction vehicles</li> <li>(b) the parking of vehicles of site operatives and visitors</li> <li>(c) loading and unloading of plant and materials</li> <li>(d) storage of plant and materials used in constructing the development</li> <li>(e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>(f) wheel washing facilities</li> <li>(g) measures to control the emission of dust and dirt during construction.</li> </ul>

	<p><b><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 highway safety, to minimise disturbance to neighbour 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></b></p>
25.	<p>No development above slab level shall commence until an application for a Traffic Regulation Order to control on-street parking along Ilkeston Road has been made.</p> <p><b><i>Reason: In the interests of highway safety to ensure access and egress to and from the site is not hindered by parked vehicles and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
26.	<p>No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority on 18.8.20:</p> <ul style="list-style-type: none"> <li>· Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20)</li> <li>· Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C-0140 Rev P01)</li> <li>· Microdrainage calculations (dated 6.8.20)</li> <li>· SUDS maintenance data sheet (reference 20156/SUDS/POND).</li> </ul> <p>The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development.</p> <p><b><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></b></p>
27.	<p>No development above slab level shall commence until samples of materials to be used in facing the external surfaces of the dwellings and garages hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.</p> <p><b><i>Reason: No such details were submitted and in the interests of the appearance of the development, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
28.	<p>No lighting related development shall commence until a lighting scheme has been submitted to and agreed in writing by the Local</p>



	<p>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 Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
29.	<p>No retaining wall on any plot or beside the brook 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. No development on Phase 3 shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans.</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>
30.	<p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report 'Remediation Method Statement' (ref D29176 V1.1, dated June 2017); and</li> <li>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</li> </ul> <p><i>Reason: 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>
31.	<p>The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZ-XX-RP-C-001-P01), dated February 2020 and thereafter maintained in accordance with the agreed details.</p> <p><i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
32.	<p>Trees referenced T1, T2 and T3 in the Phase 2: Daytime Bat Survey of Trees (11314/SD/20) shall not be removed unless and until a further bat survey, including any proposed mitigation measures, has been completed and submitted to and agreed in writing by the</p>

	<p>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>33.</p>	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings 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).</i></p>
<p>34.</p>	<p>Prior to the first occupation of any dwelling constructed on the site:</p> <ul style="list-style-type: none"> <li>i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans;</li> <li>ii) the shared cycleway/footpath to Coventry Lane shall be completed as detailed in Appendix H of the Transport Assessment, dated 27 March 2020, or such other details as may first be agreed in writing by the Local Planning Authority.</li> </ul> <p><i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>35.</p>	<p>No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained 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><i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents 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>36.</p>	<p>Dwellings 229 – 235 shall not be first occupied until details of the proposed arrangements for future management and maintenance of the private road serving these plots, including associated drainage, have been submitted to and approved in writing by the</p>

	<p>Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.</p> <p><i>Reason: In the interests of highway safety to ensure that the road infrastructure is maintained to an appropriate standard 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>37.</p>	<p><u>Conditions in respect of whole scheme</u></p> <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>17031-PL01K Planning Layout; 17031-PL02 Site Location overall; 17031-PL02F Site Location Full; 17031-PL02O Site Location Outline; 17031-PL09A Proposed Street Scenes; 17031-PL04E Boundary treatment plan; 17031-PL05E Materials plan; 17031-PL06A Storey Height Plan; 17031-PL07D Parking plan; 17031-PL08E Character area plan; 17031-PL09D Refuse strategy plan; 17031-PL15C Finish floor level site layout; 17031-PL16 False Window Detail; 17031-PL17 Plot 161-163 Street Scene; 01K Landscape Concept Plan; 08C Indicative Landscape Boundary Sections; 17031-PL110C Overall site layout; 17031-PL111A Dimension layout; FFSN-BSP-ZZ-XX-DR-C-0215-08CP01 Phase 2 on site plot sections; FFSN-BSP-ZZ-XX-DR-C-0140-P01 Phase 2 on site drainage layout; 17031-300 Section; FFSN-BSP-ZZ-XX-DR-C-0105-P01 Phase 2 on site highway visibility splays; FFSN-BSP-ZZ-XX-DR-C-0106-P02 Phase 2 on site highway Tracking.</p> <p><b>Woodland House Types:</b>          17031-ASC-W-01A Ascot Elevations; 17031-ASC-W-02 Ascot floor plans; 17031-ASC-W-10 Ascot Elevations – plot 175; 17031-ASC-W-11 Ascot floor plans – plot 175; 17031-BEAU-W-01 Beaulieu Plans; 17031-BEAU-W-02A Beaulieu Elevations; 17031-BEAU-W-10A Beaulieu Elevations – plot 173; 17031-BEAU-W-11A Beaulieu floor plans – plot 173; 17031-CHAT-W-01A Chatsworth Plans; 17031-CHAT-W-02 Chatsworth Elevations; 17031-CHAT-W-10 Chatsworth Elevations – plot 134; 17031-CHAT-W-11 Chatsworth Plans – plot 134; 17031-CHELT-B-01 Cheltenham Elevations; 17031-CHELT-B-02 Cheltenham Plans; 17031-CHELT-W-03 Cheltenham Elevations - render; 17031-CHELT-W-04 Cheltenham Plans - render; 17031-GROV-W-01A Grosvenor Elevations; 17031-GROV-W-02 Grosvenor Plans; 17031-HAMP-W-01A Hampton Elevations; 17031-HAMP-W-02 Hampton Plans; 17031-LING-W-01 Lingfield Elevations; 17031-LING-W-02 Lingfield Plans; 17031-SAND-B-01 Sandown Plans; 17031-SAND-W-02 Sandown Elevations; 17031-WIND-W-01 Windsor Elevations; 17031-WIND-</p>

W-02A Windsor Plans; 17031-YORK-W-01 York Elevations; 17031-YORK-W-02 York Plans; 17031-GAR/10A Double garage - woodland elevations; 17031-GAR/08A Double garage - woodland plans; 17031-GAR/04A Single garage - woodland elevations; and 17031-GAR/03A Single garage - woodland plans.

**Contemporary House Types:**

17031-CHEL-C-01A Cheltenham Elevations; 17031-CHEL-C-02 Cheltenham Plans; 17031-CHEL-C-01rA Cheltenham Elevations - render; 17031-CHEL-W-04 Cheltenham plans - render; 17031-CHEST-C-01A Chester Elevations - render; 17031-CHEST-C-02 Chester Plans; 17031-CHEST-W-10 Chester Plans – plots 184-187; 17031-CHEST-W-11 Chester Elevations - plots 184-187; 17031-CHEST-W-12 Chester Plans – plots 188-191; 17031-CHEST-W-13 Chester Elevations – plots 188-191; 17031-SAND-C-01 Sandown Elevations; 17031-SAND-C-02 Sandown Plans; 17031-YO\_CH-C-01B York/Cheltenham Plans; 17031-YO\_CH-C-02B York/Cheltenham Elevations; 17031-YORK-C-01B York Plans; 17031-YORK-C-02C York Elevations; and 17031-YORK-C-03C York Elevations – Cladding.

**Boulevard House Types:**

17031-ASC-B-01 Ascot Elevations; 17031-ASC-B-02A Ascot plans; 17031-BEAU-B-01 Beaulieu plans; 17031-BEAU-B-02A Beaulieu Elevations; 17031-BEAU-B-03A Beaulieu plans - plot 224; 17031-BEAU-B-04A Beaulieu Elevations - plot 224; 17031-CHAT-B-01 Chatsworth Plans; 17031-CHAT-B-02A Chatsworth Elevations; 17031-CHELT-B-01A Cheltenham Elevations (render); 17031-CHELT-B-02 Cheltenham Plans (render); 17031-CHELT-B-03A Cheltenham Elevations; 17031-CHELT-B-04 Cheltenham Plans; 17031-DALE-B-01A Dale Elevations; 17031-DALE-B-02 Dale Plans; 17031-HAMP-B-01 Hampton Elevations; 17031-HAMP-B-02A Hampton Plans; 17031-HAMP-B-010A Hampton Elevations – plot 127; 17031-HAMP-B-11A Hampton Plans – plot 127; 17031-HAMP-B-03A Hampton Elevations - render; 17031-HAMP-B-04 Hampton Plans - render; 17031-HER-B-01A Hereford Elevations; 17031-HER-B-02 Hereford Plans; 17031-LING-B-01A Lingfield Elevations; 17031-LING-B-02A Lingfield Plans; 17031-LING-B-03A Lingfield Elevations - render; 17031-LING-B-04 Lingfield Plans - render; 17031-SAN-B-01 Sandown Plans; 17031-SAN-B-02A Sandown Elevations; 17031-STRA-B-01A Stratford Elevations; 17031-STRA-B-02 Stratford Plans; 17031-WINCH-B-01A Winchester Elevations; 17031-WINCH-B-02 Winchester Plans; 17031-WIN-B-01A Windsor Plans; 17031-WIN-B-02A Windsor Elevations; 17031-YORK-B-01A York Elevations; 17031-YORK-B-02 York Plans; 17031-GAR/02A Single garage - boulevard elevations; and 17031-GAR/01A Single garage - boulevard plans.

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

<p>38.</p>	<p>No development on any plot within 30m of the TPO woodland, including site clearance, shall commence until a TPO Woodland management scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed path through the woodland. The woodland shall be managed in accordance with the scheme for the lifetime of the development.</p> <p><i>Reason: To ensure the woodland is managed and enhanced, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>39.</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) Materials, plant and machinery storage locations</li> <li>b) Measures for dealing with Himalyan balsam</li> <li>c) Timetable and proposed clearance method of excavated soils/materials from area formerly occupied by farmhouse and barn</li> <li>d) Proposed working practices to minimise harm to wildlife and trees</li> <li>e) Construction lighting proposals</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>40.</p>	<p>No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys.</p> <p><i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>41.</p>	<p>No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details.</p>

	<p><i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
42.	<p>The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment &amp; Drainage Strategy dated 31 January 2020 and the finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy of the Broxtowe Local Plan (2019).</i></p>
43.	<p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings and residents from noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
44.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
45.	<p>The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, 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</p>

	<p>Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, 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>
46.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional 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: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>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.</p>
3.	<p>In order to carry out off-site works, 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. The applicant is advised to contact the County Council Highways team for details on <a href="mailto:hdc.south@nottscc.gov.uk">hdc.south@nottscc.gov.uk</a></p>
4.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p>

	<p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.</p>
<p>5.</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.</p>
<p>6.</p>	<p>The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.</p>
<p>7.</p>	<p>Any highway trees damaged/removed as a consequence of the off-site works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.</p>
<p>8.</p>	<p>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</p>
<p>9.</p>	<p>In relation to Condition 5, the local planning authority expects landscape buffers to be detailed beside Boundary Brook and</p>



	<p>Stapleford Hill Woodland and additional scrub planting beside the railway.</p>
10.	<p>The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.</p>
11.	<p>Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.</p>
12.	<p>The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: <a href="mailto:assetprotectionline@networkrail.co.uk">assetprotectionline@networkrail.co.uk</a></p>
13.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
14.	<p>Whilst the description of the application refers to the local centre being for uses within Classes A1-A5, due to changes to the Town and Country Planning (Use Classes Order), which came into effect on 1 September 2020, the use of the centre will be for those within Class E, drinking establishments and hot food takeaways (sui generis) and will thereafter be limited to the permitted changes within these Classes.</p>