

## **PLANNING COMMITTEE**

**WEDNESDAY, 4 NOVEMBER 2020**

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw  
S J Carr (Ex-officio)  
L A Ball BEM  
T A Cullen  
D Grindell  
M Handley  
R D MacRae  
G Marshall  
J W McGrath  
P J Owen  
D D Pringle  
P D Simpson (Substitute)  
R D Willimott

An apology for absence was received from Councillor R I Jackson.

### **28 DECLARATIONS OF INTEREST**

Councillor S J Carr (Ex-Officio) declared a non-pecuniary interest on item 5.3 as Chair of Bramcote Bereavement Committee. Minute number 31.3 refers.

### **29 MINUTES**

The minutes of the meeting held on 30 September 2020 were approved and confirmed as a correct record subject to the attendance list being updated to include Councillor G Marshall being present at the meeting.

### **30 NOTIFICATION OF LOBBYING**

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

### **31 DEVELOPMENT CONTROL**

#### **31.1 APPLICATION NUMBER 20/00404/FUL**

Construct 1.8m high close boarded fencing  
1 Totland Road Bramcote Nottinghamshire NG9 3ER

This application sought planning permission for a 1.8 metre high fence. The dwelling had been recently extended (19/00329/FUL) and a 1.8 metre high fence had been constructed 1 metre into the site without planning permission, parallel with Totland

Road and enclosing the garden. It was proposed to move the fence to abut the pavement.

The application was brought to the Committee with a recommendation that planning permission be refused because the proposed fence would cause risk to pedestrians and road users by reducing visibility for drivers when entering or exiting the driveway. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

Councillors I L Tyler and D K Watts requested that the application be determined by the Planning Committee. The item was deferred from the meeting held on 30 September 2020 and the report remained unchanged.

There were no late items for this item.

Members debated the application and the following comments were amongst those noted:

- Highway safety
- Lamppost near fence would prevent a highway impact on cars reversing off the drive.

Members considered the recommendation and being put to the Committee, the original recommendation was voted against. Councillor D K Watts proposed, and was seconded by Councillor J W McGrath, to amend the recommendation to grant planning permission, the reason being the lamppost would mean cars would not reverse near the fence therefore there was no highway safety issue. On being put to the meeting, the recommendation was granted.

**RESOLVED that planning permission be granted with the precise wording of the conditions to be delegated to the Interim Head of Planning and Economic Development in consultation with the Chair of the Planning Committee**

#### Conditions

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: 001, 002 and 003 received by the Local Planning Authority on 24 June 2020 and 405 received by the Local Planning Authority on 10 July 2020.

#### Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

#### Note to applicant

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

### 31.2 APPLICATION NUMBER: 20/00116/FUL

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).

Field Farm, Ilkeston Road, Stapleford NG9 8JJ

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.

Members considered the late item for the application which was further clarification from the applicant's highways consultant regarding Highways England comments.

Ms Anita Davis, on behalf of the applicant and Mrs Christine Chapman, objecting, submitted statements that were read to the Committee prior to the general debate.

Members debated the application and the following comments were amongst those noted:

- Flooding
- Outstanding comments from Highways England
- Highways issues at Ilkeston Road and Hickings Lane
- Landscaping.

The Committee received legal advice.

Councillor P J Owen proposed a recorded vote this was seconded by Councillor D K Watts.

For	Against	Abstention
D Bagshaw	L A Ball BEM	
D Grindell	R D MacRae	
T A Cullen	P J Owen	
M Handley	D D Pringle	
J W McGrath	R D Willimott	
G Marshall	P D Simpson	
D K Watts		

**RESOLVED that planning permission be granted in accordance with the recommendation to delegate authority to the Interim Head of Planning and Economic Development subject to:**

- (i) the comments of Highways England being addressed;**

- (ii) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision 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
- (iii) the following conditions:

**CONDITIONS IN RESPECT OF OUTLINE ELEMENT:**

1. 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.
2. 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.
3. 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.
4. 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:
  - (a) the layout, scale, and external appearance of all buildings;
  - (b) the means of access and parking provision within the site;
  - (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
  - (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;
  - (e) landscaping.

The development shall be carried out strictly in accordance with the approved details.

5. 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:
  - (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;
  - (b) numbers, types, sizes and positions of proposed trees and shrubs;

- (c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;
- (d) planting, seeding/turfing of other soft landscape areas;
- (e) lighting details and
- (f) a timetable for implementation of the scheme.

The approved schemes shall be carried out strictly in accordance with the approved details.

6. 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:
  - (a) site access for construction vehicles
  - (b) the parking of vehicles of site operatives and visitors
  - (c) loading and unloading of plant and materials
  - (d) storage of plant and materials used in constructing the development
  - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (f) wheel washing facilities
  - (g) measures to control the emission of dust and dirt during construction.
7. 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.
8. 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.
9. 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.

- 10. 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. No building to be completed pursuant to this permission shall be occupied or brought into use until:**
- i) all appropriate measures for that building have been completed in accordance with details approved in writing by the Local Planning Authority; and**
  - ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.**
- 11. 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:**
- (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;**
  - (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;**
  - (c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;**
  - (d) a timetable for implementation; and**
  - (e) details of the responsibility for the future maintenance and management of the surface water drainage systems.**
- 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.**
- 12. 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.**
- 13. No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or 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.**

14. 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.
15. The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.
16. 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.
17. 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 BS4142:2014, at a point one metre external to the nearest residential dwelling.
18. 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.
19. The hereby permitted local centre shall have a total floor space not exceeding 500 square metres.
20. No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.

**Conditions in Respect of Full Element**

21. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
22. 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.
23. 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.

24. 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:
  - (a) site access for construction vehicles
  - (b) the parking of vehicles of site operatives and visitors
  - (c) loading and unloading of plant and materials
  - (d) storage of plant and materials used in constructing the development
  - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (f) wheel washing facilities
  - (g) measures to control the emission of dust and dirt during construction.
25. 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.
26. 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:
  - Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20)
  - Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C-0140 Rev P01)
  - Microdrainage calculations (dated 6.8.20)
  - SUDS maintenance data sheet (reference 20156/SUDS/POND).The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development.
27. 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.
28. No lighting related development shall commence 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.
29. 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.

30. No building to be completed pursuant to this permission shall be occupied or brought into use until:
  - 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
  - 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.
31. 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.
32. 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 Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.
33. 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.
34. Prior to the first occupation of any dwelling constructed on the site:
  - 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;
  - 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.
35. 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.
36. 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 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.

### **Conditions in respect of whole scheme**

37. The development hereby permitted shall be carried out in accordance with drawings numbered:

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.

#### **Woodland House Types:**

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-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.**

- 38. 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.**
- 39. No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:**
  - a) Materials, plant and machinery storage locations**
  - b) Measures for dealing with Himalyan balsam**
  - c) Timetable and proposed clearance method of excavated soils/materials from area formerly occupied by farmhouse and barn**
  - d) Proposed working practices to minimise harm to wildlife and trees**
  - e) Construction lighting proposals**

**The development shall be constructed in accordance with the agreed CEMP.**
- 40. 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.

41. 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.
42. The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & 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.
43. 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.
44. 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.
45. 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 Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
46. 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.

## **REASONS:**

1. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. To secure an orderly form of development.
4. 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).
5. 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 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).
6. 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).
7. 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 birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).
8. 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).
9. 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).

10. 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).
11. 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.
12. To safeguard the operations of the railway and in accordance with the aims of the NPPF.
13. 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).
14. 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.
15. 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).
16. 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).
17. 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).
18. 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).
19. 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).
20. 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).
21. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
22. 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).
23. 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).

24. 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).
25. 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 Policy 17 of the Broxtowe Part 2 Local Plan (2019).
26. 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).
27. 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).
28. 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).
29. 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).
30. 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).
31. 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).
32. In the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).
33. To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).
34. 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).
35. 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).
36. 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).
37. To ensure that the development hereby approved is carried out in accordance with the approved plans and details.

38. 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.
39. 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.
40. 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
41. 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
42. 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 1 of the Broxtowe local plan (2019).
43. 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).
44. 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).
45. 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).
46. 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).

#### **NOTES TO APPLICANT**

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. This permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. 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 [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk)
4. 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.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
  - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.
5. 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.
6. 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.
7. 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.
8. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9. In relation to Condition 5, the Local Planning Authority expects landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10. The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11. 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.

12. The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: [assetprotectionline@networkrail.co.uk](mailto:assetprotectionline@networkrail.co.uk)
13. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: [3015snn@Broxtowe.gov.uk](mailto:3015snn@Broxtowe.gov.uk) to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
14. 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.

### 31.3 APPLICATION NUMBER 20/00352/OUT

Outline application to construct residential development with all matters reserved except for the formation of vehicular access from Coventry Lane  
Land Adjacent and North West of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire

This application sought planning permission to construct up to 190 dwellings to the west of Coventry Lane with all matters reserved except the formation of a vehicular access (from Coventry Lane) This site has been allocated for housing within the Part 2 Local Plan (2019) under Policy 3.4.

The application was brought to the Committee as the Council is a joint landowner of part of the site and because of the size of the proposed development.

Members considered the late items for the application which included a correction to the report at paragraph 1.2 regarding land ownership, receipt of amended plans (site location plan, parameters plan and concept plan) which excluded the furniture business land at the northern end of Sidings Lane and reduce the site area, amendments to conditions following the receipt of the amended site location plan and to include reference to phasing and other wording amendments and confirmation from the applicant that they will pay £3000,000 as a bus service contribution as part of the S106 Agreement.

Mr Peter James (applicant) submitted a formal written representation that was read to members of the Committee.

Members debated the application and the following comments were amongst those noted:

- Request for S106 funding to include filters for Cookies Pond (Ilkeston Road) as result of extra traffic to area and pollutant particles.

- Vehicle access on way into site could be a concern.
- Flooding.

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

(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing on site, education, health, off-site highway works and integrated transport measures contributions

(ii) the following conditions:

1. 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.
2. 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.
3. The outline permission relates to drawings:
  - 2019-613-00 received by the Local Planning Authority on 5 June 2020
  - CLBR-BSP-ZZ-XX-DR-D-0003 Rev P03 and CLBR-BSP-ZZ-XX-DR-D-0001 Rev P04 received by the Local Planning Authority on 12 October 2020
4. 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:
  - (a) the layout, scale, and external appearance of all buildings;
  - (b) roads and parking provision details within the site;
  - (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
  - (d) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point; and
  - (e) landscaping treatment of the site

The development shall be carried out strictly in accordance with the approved details.

5. The detailed drawings and particulars required under condition 4 (e) shall include the following details:
  - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No

- development shall commence until the agreed protection measures are in place;
- (b) numbers, types, sizes and positions of proposed trees and shrubs;
- (c) proposed hard surfacing treatment (including pathways);
- (d) planting, seeding/ turfing of other soft landscape areas including surrounding SUDs features;
- (e) details of the site boundary treatments and curtilage boundary treatments; and
- (f) a timetable for implementation of the scheme

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.

6. No development, including site clearance, shall commence until a detailed surface water drainage scheme based on the Flood Risk Assessment dated 22 May 2020 has been submitted to and approved in writing by the Local Planning 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:

- detailed design (plans, network details and calculations) in support of a surface water drainage scheme, including details on all attenuation systems, 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; and
- evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

The development shall be constructed in accordance with the agreed details and maintained as such for the lifetime of the development.

7. No development, including site clearance, shall commence until a scheme for protecting the proposed dwellings from noise from railway lines, road traffic and plant noise from the crematorium adjacent to the proposed development has been submitted to and approved 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.

8. 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.

- (a) The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report

shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

- (b) No building to be erected pursuant to this permission shall be occupied or brought into use until:
    - (i) all necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
    - (ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
- 9. No development, including site clearance, shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:
  - (1) a site investigation scheme, based on the preliminary risk assessment report (Geodyne Phase I Geo-Environmental Desk Study & Preliminary Coal Mining Risk Assessment Report dated 28 January 2020) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - (2) the results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
  - (3) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be constructed in accordance with these details. Any changes to the agreed will require written consent of the Local Planning Authority.

- 10. No development, including site clearance, shall commence until detailed drawings, particulars and evidence has been provided in relation to:
  - parking and turning facilities, access widths, gradients, surfacing, street lighting and furniture, structures, visibility splays, drainage, and public transport route; and
  - an application to reduce the speed limit along Coventry Lane to 40mph has been made, in accordance with the indicative details shown on drawing CLBR-BSP-ZZ-XX-DR-D-0003 REV P03.

All details shall comply with Nottinghamshire County Councils Highway Design and Parking Guides and shall be implemented as approved.

11. No development, including site clearance, shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, a detailed remediation scheme to protect the development from the effects of such land instability shall be submitted to and approved in writing by the Local Planning Authority. Following approval, the remedial works shall be implemented in full accordance with the approved details.
12. No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:
  - a) pipes over 200mm in diameter capped off at night to prevent animals entering
  - b) netting and cutting tools not to be left in the works area where they might entangle or injure animals
  - c) No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal
  - d) construction lighting proposals
  - e) materials, plant and machinery storage locations
  - f) proposed working practices to minimise harm to wildlife and trees.

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

13. No development, including site clearance, shall commence until a Reasonable Avoidance Measures Statement (RAMS) is produced and subsequently approved in writing by the Local Planning Authority. The statement shall include a methodology to prevent any harm to amphibians which may be present on site.
14. No development, including site clearance, shall commence until the following have been carried out:
  - bat surveys (include a transect survey and an internal survey on Building 1);
  - breeding bird survey;
  - reptile survey;
  - water vole/otter pre-commencement checks;

The above shall be submitted to and agreed in writing by the Local Planning Authority and any required mitigation to be carried out in accordance with the agreed details.

15. 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:

- (a) the parking of vehicles of site operatives and visitors;**
  - (b) loading and unloading of plant and materials;**
  - (c) storage of plant and materials used in constructing the development;**
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
  - (e) wheel washing facilities; and**
  - (f) measures to control the emission of dust and dirt during construction.**
- 16. No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**
- 17. 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.**
- 18. No buildings pursuant to this permission shall be first occupied until:**
  - the off-site highway works as shown for indicative purposes on drawing CLBR-BSP-ZZ-XX-DR-D-0003 Rev P03, and CLBR-BSP-ZZ-XX-DR-D-0001 Rev P04 have been provided;**
  - respective driveways have been 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 which are 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; and**
  - all footpaths and cycle ways within the site are constructed with the provision to prevent the unregulated discharge of surface water from the footpaths and cycle ways to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the lifetime of the development.**
- 19. No building pursuant to this permission shall be first occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy as set out in condition 9. The effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have**

been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

20. No infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted without the 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 controlled waters. The development shall be carried out in accordance with the approval details.
21. No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, 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.
22. Prior to the occupation of the dwellings hereby approved, details of a private management company for managing the on-site open space and a detailed landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (including the acoustic fencing), shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas (including the acoustic fencing) shall be maintained and retained for the lifetime of the development in accordance with the approved plan.
23. 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.
24. 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.
25. The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & Drainage Strategy dated 22 May 2020 and the finished floor levels of any dwellings shall be raised 150mm above existing ground levels.

### **REASONS**

1. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.



2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. 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)
5. 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 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).
6. To prevent an increase in flood risk, to improve and protect water quality, have sufficient surface water management and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019), the Broxtowe Aligned Core Strategy (2014) and the NPPF.
7. 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
8. 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).
9. To ensure that the development does not contribute to, or is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
10. 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 14 of the Broxtowe Aligned Core Strategy (2014).
11. 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).

12. 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.
13. 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.
14. In accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.
15. 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).
16. Full details were not submitted with the application and in the interests of the appearance of the development 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).
17. To safeguard the operations of the railway and in accordance with the aims of the NPPF.
18. 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 14 of the Broxtowe Aligned Core Strategy (2014).
19. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).
20. To protect groundwater from contamination and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).
21. 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).
22. To ensure the site is suitably landscaped and this, and the acoustic fencing, is maintained for the life of the development and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
23. 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).
24. 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.
25. To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

## **NOTES TO THE APPLICANT**

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. The submitted plans are for indicative purposes only, except in relation to access and this decision does not approve the landscaping or any other matters.
4. 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 [hdc.south@nottsccl.gov.uk](mailto:hdc.south@nottsccl.gov.uk)
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.
  - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
  - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
6. The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.
7. 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.

8. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9. The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: [assetprotectionline@networkrail.co.uk](mailto:assetprotectionline@networkrail.co.uk)
10. Excavated materials that are recovered via a treatment operation can be re-used on-site under the Development Industry Code of Practice. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. You should refer to the Environment Agency's Position statement on the Definition of Waste: Development Industry Code of Practice and <https://www.gov.uk/government/organisations/environment-agency>
11. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
  - Duty of Care Regulations 1991
  - Hazardous Waste (England and Wales) Regulations 2005
  - Environmental Permitting (England and Wales) Regulations 2010

#### **The Waste (England and Wales) Regulations 2011**

12. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

#### **31.4 APPLICATION NUMBER 20/00180/FUL**

Construct single/two storey extensions, partial conversion of garage to living accommodation, pitched roof over front flat roof and construct garden wall.

43 Pimlico Avenue, Bramcote, Nottinghamshire NG9 3JJ

The application was first brought before the Planning Committee on 9 September 2020 with a recommendation for approval. Members deferred making a decision on the application due to concerns regarding the impact of the two storey rear extension on neighbour amenity, the development being overbearing and over intensive for the area.

There was a single late item comprised of a neighbour raising no objection to the development.

Mr Elliot Caulton (applicant) submitted a formal written representation that was read to members of the Committee.

The Committee debated the application and the following comments were amongst those noted:

- Recognition for the dialogue undertaken by the applicants

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

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with drawings:**

**Received by the Local Planning Authority on 16 June 2020:**

- **Proposed site plan (1:1250)**

**Received by the Local Planning Authority on 25 September 2020:**

- **Proposed first floor plan**
- **Proposed elevations**
- **Proposed ground floor plan**
- **Proposed roof plan**
- **Proposed boundary wall plan**

**Received by the Local Planning Authority on 28 September 2020:**

- **Site Plan**

3. **No building to be completed pursuant to this permission shall be occupied or brought into use until:**
  - i) **all appropriate measures have been completed in accordance with the Gas Prevention Measures plan received by the Local Planning Authority on 25 August 2020**
  - ii) **it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full.**
4. **The extensions and porch roof hereby approved shall be constructed using bricks and tiles to match the main house.**

### **REASONS**

1. **To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**

2. For the avoidance of doubt
3. In the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy.
4. To ensure a satisfactory standard of appearance is achieved and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### **NOTES TO APPLICANT**

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
3. No waste should be burnt on site at any time.

#### 32 **INFORMATION ITEMS**

##### 32.1 **APPEAL DECISIONS**

The Committee noted the appeal decisions.

#### 33 **DELEGATED DECISIONS**

The Committee noted the delegated decisions.