

**Report of the Chief Executive**

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

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

1 Executive Summary

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

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

## 1 Details of the Application

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- Technical drawing of a proposed highway interchange and access road, showing various engineering details and annotations. The drawing includes the following labels:
- Retention of existing Park HS pedestrian for parallel with proposed footway/pavement
  - Plant of moderate quality trees (surreyed as part of Arboricultural report that accompanied planning application)
  - High friction surfacing to be provided on approach
  - 3.4 metres wide segregated footway/pavement
  - Guard rail to be provided between existing refuge and proposed town crossing
  - Town crossing on side access arm
  - Side access with 0.75 metres wide car/pavement and 2 metres wide shared footway/pavement
  - Interchange zone
  - 3.4 metres wide segregated footway/pavement
  - High rounded signal heads to be provided
  - High friction surfacing to be provided on approach
  - Town crossing on A1001 side way and 2 metres wide shared footway/pavement to connect into proposed Secondary Road
  - Indication location of gas to flow - series of levels to be undertaken to determine whether risk can be provided to proposed footway
  - Existing dropped kerbs and crossing to be removed

Plan showing primary access to the A6096

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

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

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

### **3 Relevant Planning History**

- 3.1 There is no relevant planning history for the site.

### **4 Relevant Policies and Guidance**

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

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

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

#### **4.2 Part 2 Local Plan 2019:**

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 22: Minerals
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting healthy and safe communities.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change.
- Section 15 – Conserving and enhancing the natural environment.
- Section 16 - Conserving and enhancing the historic environment

## 5 Consultations

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

- 5.6 **Environment Agency** - The development site lies within flood zone 1 and therefore no fluvial flood risk concerns associated with the development and the Lead Local Flood Authority should be consulted regarding sustainable surface water disposal.
- 5.7 **The Coal Authority** – (20.2.20) Recommends that an in-depth assessment of the coal mining risks associated with the site is carried out to enable the applicant to demonstrate to the LPA that the site is safe, stable and suitable for development. They therefore suggest conditions relating to these investigations and the implementation of mitigation measures.  
(4.5.20) raises no objections subject to imposition of conditions which they have slightly amended to reflect additional information provided.
- 5.8 **Cadent Gas** – there are apparatus within the vicinity of the site which may be affected by the proposals. The developer should contact Cadent before any works are carried out.
- 5.9 **Nottinghamshire Police (Designing Out Crime Officer)** – There are occurrences of anti-social behaviour and nuisance motorcyclists within the area, would welcome the opportunity to discuss possible traffic calming and the design of cycle and pedestrian paths through the site. Would welcome the opportunity to discuss safety and security features, for example cycle storage. Notes the use of natural screening through hedgerows but makes suggestions as to possible maximum heights to increase natural surveillance.
- 5.10 **County Council Strategic Policy** – site is within Minerals Safeguarding and Consultation Area for surface coal so advice should be sought from Coal Authority, a waste audit should also be submitted. Requests S106 contributions towards secondary education (£955,000 – 40 places x £23,875) within Eastwood and Kimberley schools (sufficient capacity to accommodate primary places) £200,000 for bus services, £52,000 for bus stop improvements and installations and £12,500 for bus taster tickets.
- 5.11 **County Council as Lead Local Flood Authority (LLFA)** – no objection subject to surface water drainage scheme condition based on principles of the submitted FRA and Drainage Strategy.
- 5.12 **County Council Highways (including Rights of Way Officer)** – Rights of Way team have no objections to the proposals. They would encourage paths that link into the existing network and would require information regarding adoption, maintenance, surfacing and how unauthorised users will be stopped to be submitted.  
**Highways (12.3.20)** Willing to relax position of no access' onto A or B roads where speed limit is in excess of 40 mph due to it serving a large number of units from a single access. Notes that secondary access from Newtons Lane is sufficient to accommodate a public transport route through the site. Requests a public transport access strategy at reserved matters stage to deal with this. Comments that internal and external access links will need to be well connected to minimise distances to facilities and that pedestrian footpath works at Newtons Lane will help integrate trips to Ilkeston Train Station. All private shared drives should serve no more than 5 dwellings and all shared drives should be designed to adoptable standards. Where located off the main spine road they will need to have turning facilities.

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

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

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

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



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

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

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

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

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

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

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

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

#### **Traffic/Access/Transport**

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

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

**Ecology/Flood risk/Pollution**

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

**Internal layout/Amenity/House types**

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

**Principle concerns**

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

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

**Other**

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

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

**6 Assessment**

6.1 The main issues for consideration are whether the principle of the development is acceptable, flood risk, highway safety, impact on heritage assets, impact on biodiversity, land stability, pollution including air quality and S106 contributions.

**6.2 Principle**

6.2.1 The Aligned Core Strategy (2014) identified the need for 6,150 new homes within Broxtowe within the plan period (2011-2018). The application site was removed from the Green Belt and allocated as a housing site within the Broxtowe Part 2 Local Plan (P2LP). Policy 4.1 of the P2LP identifies the site and a key requirement of this policy is the provision of 250 homes. The application seeks outline planning permission for upto 250 dwellings, with all matters reserved at this stage except for access.



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

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

### 6.3 **Flood risk**

6.3.1 The site is located within the River Erewash catchment within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding. As such the site is not considered to be at risk of flooding from fluvial sources. A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted which identifies and assesses the risks from all forms of flooding to and from the development and demonstrates how these flood risks will be managed.

6.3.2 According to the FRA, there are some isolated areas at low risk of surface water flooding centrally and within the south of the site which are believed to be due to its topography. Within the north of the site there is a localised area along the north western boundary which is at high risk of surface water flooding and the authors of the FRA note that this is evidently due to topography, where overland flows drain to this flat area. Whilst the Environment Agency have no record of ground water flooding the Greater Nottingham SFRA GIS mapping system shows the area as

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

- 6.3.3 As the site is greenfield, drainage of the site will have to mimic the greenfield run-off rates. The surface water drainage system will be designed to accommodate a 1 in 30 year rainfall event and a 1 in 100 year plus climate change storm event (40%) on site. Infiltration testing has demonstrated that the feasibility of this is isolated and should not be used as a primary means of disposal. A ditch which borders the site is outside the red line and direct connection is therefore not an option. Connections to the existing surface water drainage sewers are therefore proposed with appropriate attenuation so that post development flooding does not occur within the site and risk is reduced to adjacent properties. Online balancing ponds are proposed with by-pass sewers to ensure the surface water system (excluding the ponds) are adoptable by Severn Trent Water. There is a separate application process for this which the applicants will need to go through with Severn Trent Water. The exact volume of attenuation required will need to be assessed once the final layout is submitted for consideration to ensure all the impermeable areas which need to be drained have been calculated. To deal with overland flows from Park Hill during extreme rainfall events a cut off drain to the northern boundary routed to the western boundary is recommended. Other cut off drains may be required at the detailed design stage.
- 6.3.4 SUDs have been considered as part of the overall drainage strategy for the site and these should be designed so as to ensure that the water quality is clean so as to prevent the spread of pollutants. Further consideration of the exact combination and design of measures required will be considered as part of the reserved matters application for the site.
- 6.3.5 Subject to suitable conditions, which is in accordance with comments received from the LLFA it is considered that the development would be compliant with the requirements of the NPPF and Policy 1 of the ACS and P2LP in relation to flood risk.

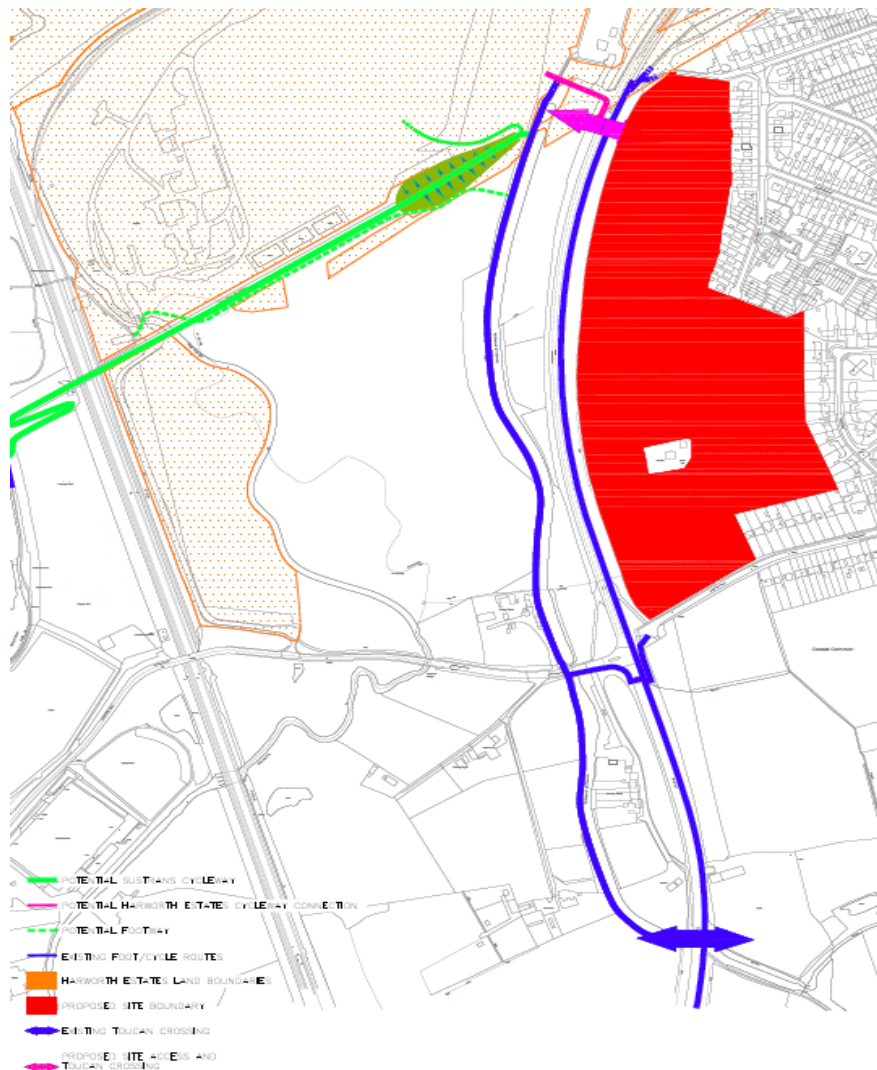
## 6.4 Highways

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



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

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

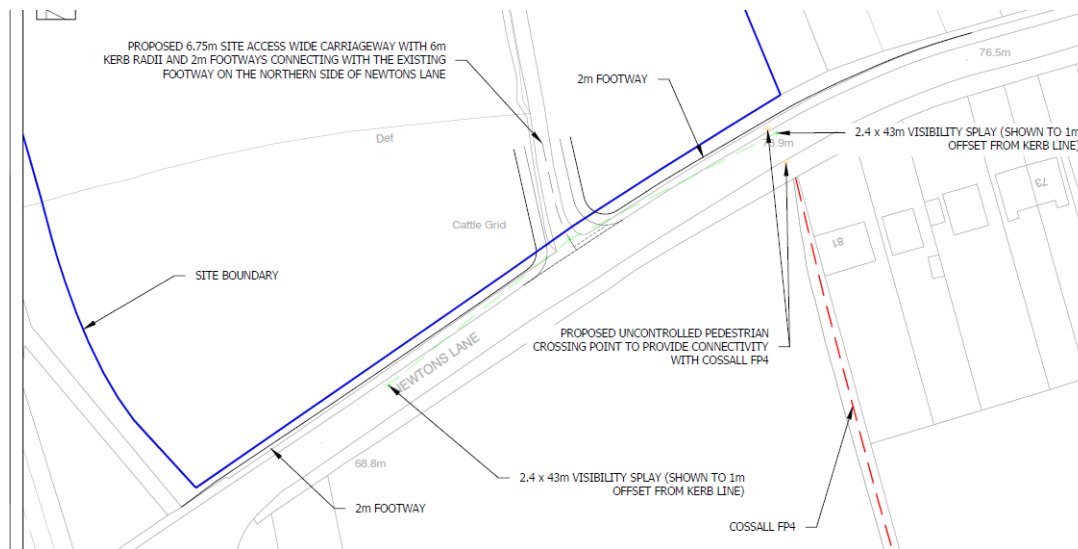


Schematic plan showing existing and proposed cycle and pedestrian links

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

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

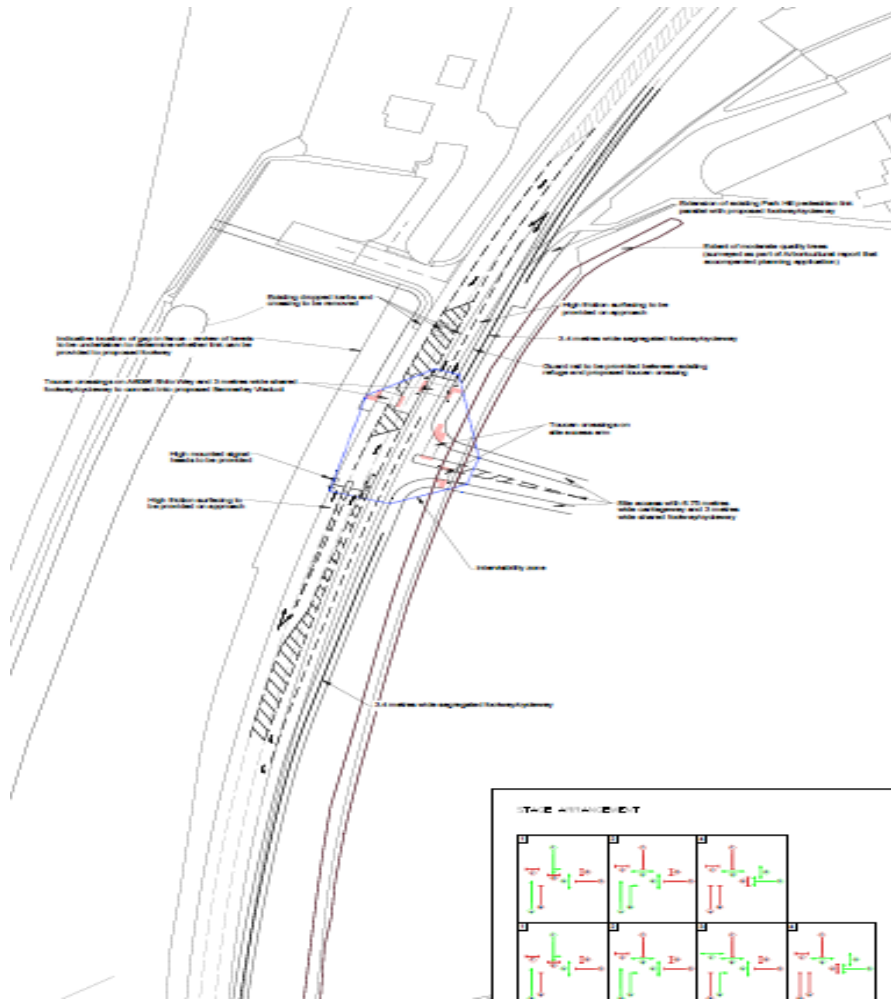
- 6.4.6 The report acknowledges that local traffic (that within the Broxtowe 016 area) would more than likely use the secondary access, but that the primary access would be used for most other trips. The Highways Authority raise no objections to the overall traffic movement from the site and agree with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



Proposed secondary access

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





Primary access from the site to the A6096

- 6.4.9 A number of amendments have been made to the detailed design of the access from the A6096 following comments received from the County Council, as highway authority. These include high mounted traffic signals, extensions to existing pedestrian links, road surfacing and road markings. The County Council, as highway authority, has no objection to the application subject to conditions, including details of the internal layout of the site to ensure that there is sufficient visibility, parking, appropriate surfacing etc, the requirement for replacement trees for the highway trees removed and the submission of a 'Construction Method Statement' which will cover details such as parking of construction traffic and wheel washing facilities.
- 6.4.10 A Travel Plan also accompanies the Transport Assessment with the overall objective of this being to minimise single occupancy car trips by promoting more sustainable alternatives. The plan includes targets as well as measures and incentives for using more sustainable modes of travel.
- 6.4.11 In conclusion on highway matters, it is considered that there are no significant highway issues which would warrant refusal of the application in accordance with the NPPF, subject to conditions relating to matters detailed above

**6.5 Ecology**

- 6.5.1 Policy 28 (Green Infrastructure Assets) and Policy 31 (Biodiversity Assets) of the P2LP seek to ensure no significant harm is caused to environmental assets, including protected habitats and species. Both policies share their main evidence base as the Council's Green Infrastructure Strategy. If significant harm is identified, then the P2LP policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 6.5.2 Three Green Infrastructure Corridors identified within the Council's Green Infrastructure Strategy (2015-2030) run close to the site, with the closest being the Nottingham Canal Secondary Green Infrastructure Corridor (2.9), which lies to the west of the site on the opposite side of the A6096 and follows the route of the Nottingham Canal. This strategy document identifies existing assets to protect near this site including the Public Rights of Way links and identifies opportunities for change and enhancement including links to the canal towpath and using Bennerley Viaduct to connect Awsworth and Ilkeston.
- 6.5.3 There are no sites of international importance within 5km of the site and whilst there are 4 statutory sites and 21 non-statutory sites within 2km of the site, due to the absence of any such sites being located within the development site itself and the position of the site with clear defensible boundaries none of these sites lie immediately adjacent the proposed development. As such it is not considered that the development will have any significant impacts on these sites.
- 6.5.4 An 'Extended Phase I Habitat Survey' was submitted with the application. The field study's which inform this document found records of breeding and foraging bats, nesting and breeding birds and a small number of common toads. Local BAP priority habitats including hedgerows and farmland (semi-improved grassland/silage) are contained within the site. The site is made up of semi-improved grassland, marshy grassland, hedgerows, dense scrub and the access, hardstanding and buildings associated with White House Farm.
- 6.5.5 Reptile, breeding bird, amphibian and bat surveys were also submitted in support of the application. No reptiles were recorded within the site. The Amphibian report found no evidence of use by Great Crested Newts, however common toads were found within the site and smooth newts and common frogs within the wider area. Common toads are a UK BAP protected species and therefore are protected from intentional killing, sale and trade but not from development leading to loss of habitat. It is considered that the creation of attenuation basins within bands of soft landscaping will continue to provide appropriate habitat for amphibians and small mammals to move along.
- 6.5.6 The bat survey found no bat roasts located within the site but did record evidence of use by foraging and commuting bats with most activity within the centre and east of the site. The survey notes that mitigation and enhancement would include the installation of a sympathetic lighting scheme to avoid unnecessary illumination of woodlands and hedgerows and the introduction of tree avenues, water basins and bat boxes.
- 6.5.7 The breeding bird survey found no evidence of protected species within the site but did confirm one breeding pair (Dunnock) of conservation interest and a further

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

- 6.5.8 This report recommends that hedgerows and woodland and peripheral planting is retained and that nesting facilities are incorporated into the fabric of new builds and that vegetation clearance is carried out outside of the breeding season. Two protected species were recorded in the wintering birds report (Redwing and Fieldfare), however these are both protected due to their rare breeding rather than winter status and none were recorded breeding within the site. Eleven birds of conservation interest were also recorded within the site, however it is considered that the proposals will have limited impact on wintering birds if hedgerows, trees and scrub are retained and enhanced in line with the illustrative masterplan, which can be controlled by way of a condition.
- 6.5.9 Nottinghamshire Wildlife Trust have reviewed the application and submitted reports and strongly agree with the advice contained within 7.5 to 7.21 of the Phase I report which they are of the view could be secured through appropriately worded conditions.
- 6.5.10 No independent surveys are considered to be required for wildlife or biodiversity net gain as the application has been reviewed by NWT who have commented on the proposals and the submitted reports. In relation to biodiversity net gain, Policy 31 states this should be sought but not that development will be refused if it is not achieved. Landscaping proposals for the site together with the design of the proposed SUDs features can be secured by condition to ensure that biodiversity is fully considered at the reserved matters stage.
- 6.5.11 In relation to representations in respect of the loss of habitats and impact on protected species. It is considered that the reports submitted provide evidence of the use, or otherwise, of the site by a variety of species and possible mitigation measures to address the effects of the proposals. NWT have reviewed the submitted information and subject to conditions requiring a Construction Environmental Management Plan and Biodiversity Enhancement Plan which identifies the measures to be out in place have no objections.
- 6.5.12 To conclude, the proposed development is considered to cause no significant harm to wildlife subject to mitigation works which will be secured with conditions. Due to the age of the reports and the fact that further permissions will need to be sought which will delay the commencement of the development it is also considered appropriate to condition that more up to date reports are submitted with any reserved matters application.

## 6.6 **Landscape**

- 6.6.1 In relation to Landscape, Policy 30 of the P2LP states that all developments within or affecting the setting of a local landscape character area (LCA) should make a positive contribution to the quality and local distinctiveness of the landscape. The site lies within the Babbington Rolling Farmlands (NC02) character area as identified within the Greater Nottingham Landscape Character Assessment (GNLCA) and adjacent NC01 Erewash River Corridor. A Landscape and Visual Impact Assessment has been submitted in support of the application which

assesses the impact of the proposal. This evaluates the sensitivity of the landscape and visual receptors, identifies the magnitude of the impact and makes a combined judgement on the nature of the receptor and the magnitude to assess significance of impact.

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

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

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

6.7 **Heritage**

- 6.7.1 Policy 23 of the P2LP and Policy 11 of the CS state that proposals where heritage assets and their settings are conserved or enhanced will be supported. That where assets are affected there will be a requirement to demonstrate an understanding of their significance and identify any impact and provide a clear justification for the development. Where there is any harm, this will be weighed against the public benefit of the development which will need to be significant where substantial harm is identified. Where proposals affect the heritage asset consideration will be given to a number of criteria including its design, the significance of the asset, whether it respects the asset's relationship with topography, landscape, views and landmarks and whether the proposal will contribute to the long term maintenance and management of the asset.
- 6.7.2 There are no designated heritage assets within the application site itself, however there are 4 within 2km of the site boundary including Bennerley Viaduct, Awsorth Infant School, Walls, railings and playground at the school and the War Memorial. These have all been designated under national criteria and therefore their heritage value is high, with Bennerley Viaduct being a Grade II\* asset and therefore having the highest value.
- 6.7.3 The application site is within 200m of the Grade II\* Listed Bennerley Viaduct which has historical and architectural value at a national level, being one of only two surviving wrought iron viaducts in the country. Its immediate setting is the Erewash Valley and associated trainline and the former Bennerley colliery with which it would have had an association and from where it is most readily visible. There will be some impact on its setting, as views of the viaduct are possible from within the site, however due to the surrounding topography, the intervening distance and land use, it is not considered that this would be significant.
- 6.7.4 However, whilst there will be a minimal impact on its setting it is considered that the formation of links from the site to the viaduct and beyond will be an important part of its interpretation, enjoyment and maintenance. As such it is considered that funding should be secured through Section 106 contributions to assist in this maintenance and ensure that the proposal contributes to its conservation and enhancement by opening up the asset to users.

- 6.7.5 The other designated assets are considered to gain value from their settings as groups, the war memorial with the non-designated church and the school with its associated railings, wall and playground has a setting within the village streetscene. It considered that the development site does not have an impact on any of these assets.
- 6.7.6 The Heritage Statement submitted with the application identifies a number of non-designated heritage assets within the site including hedgerows on the alignment of the Tithe map field pattern, those associated with the former quarry and coal mining and White House Farm and outbuildings. Whilst the proposal in only in outline form it is shown on the indicative plan that a number of the hedgerows, where possible will be retained within the development. In respect of the other assets it is considered that their heritage value is low and will be completely removed. The Councils Conservation Advisor notes that the existing land use makes it difficult to interpret previous uses or the route of the railway but that there may be some potential to make some indication of former activity within the detailed scheme. It is considered that a programme of archaeological works is secured by condition to ensure that recording of White House Farm prior to demolition and any archaeological remains encountered or hedgerows removed are made.
- 6.7.7 In conclusion in regard to heritage it is considered that the proposal will not result in any substantial harm to the designated assets within 2km of the application site. Whilst the proposal will result in the loss of some non-designated heritage assets it is considered that these are of low heritage value and where possible will be either retained, or recorded.
- 6.8 **Pollution/land stability/air quality**
- 6.8.1 Policy 19 of the P2LP states that permission will not be granted for development which results in unacceptable exposure to pollution and that measures should be carried out to prevent infiltration or contamination of ground water and where land is potentially affected by contamination an appropriate site investigations should be undertaken with details of effective remedial measures to ensure there would be no risk to public health or structural integrity of building within or adjacent the site. Policy 21 states that development in 'Development High Risk Areas' should only be granted where it can be demonstrated that the site can be made safe and stable.
- 6.8.2 A Noise Assessment, Flood Risk Assessment and Drainage strategy, Phase I Geotechnical Desk Study and Phase II Assessment and a Coal Mining Risk Assessment (CMRA) have all been submitted to support the application. The Lead Local Flood Authority have reviewed the FRA in respect of potential flooding and infiltration of ground water and this has been reviewed previously in this report.
- 6.8.3 The CMRA identifies a number of key coal mining features within the site including unrecorded coal mining, mine entries, fissures and faults and open cast workings. Open cast workings within the north of the site have been excavated to a depth between 24 and 33m. The main risks associated with developments post this form of mining relate to settlement of the opencast backfill. Whilst mining ceased on site in the early 1980's there are still moderate risks of further settlement through

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

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

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

- 6.8.7 The Council's Environmental Health Officer has also reviewed the information submitted and raises no objections to the proposals subject to further work and conditions relating to contaminated land and noise.
- 6.8.8 Policy 20 states that all reasonable steps should be taken to provide effective alternatives to utilise modes of transport other than the car, that permission will not be granted which would result in a significant deterioration of air quality and that Electric Vehicle Charging Points (EVC) should be provided for developments of 10 dwellings or more.
- 6.8.9 As the application is for outline development only no information has been submitted in respect of the number or position of EVC, however it is considered that this could be secured by condition. The masterplan has also demonstrated that the site can be served by a link road that could be utilised by a bus service. Connecting footpaths and cycleways through the development from/to Awsworth, Giltbrook and Ilkeston will also help to improve future occupant's choice of travel modes and conditions can be secured to control the provision of such.
- 6.8.10 Residents have raised concern with the increase in air pollution as a result of the development and specifically the impact of this on the school and the children who attend. Advice sought from the Council's Environmental Health Officer is that whilst vehicular traffic will increase as a result of the development, the site is not within an Air Quality Management Area (AQMA) and the main entrance and exit to the new development is onto the by-pass therefore the effect on the air quality at the school would be negligible. The air quality within Awsworth is below the Air Quality Objective of  $40\mu\text{g}/\text{m}^3$  with the annual average being measured to be  $24 - 26\mu\text{g}/\text{m}^3$  and the first building on the school site that is closest to The Lane, which runs through Awsworth is 10.2 metres away. It is therefore considered that the proposal would not have any significant impact on air quality surrounding the site.
- 6.8.11 In conclusion, it is considered that the information submitted has demonstrated that the site could be developed in a safe way, without any significant increase in pollution of varying sources and land stability, subject to conditions
- 6.9 **Neighbourhood Plan**
- 6.9.1 Awsworth Neighbourhood Plan has been submitted for Examination and the Council are now in receipt of the Independent Examiner's Report. It is expected that a report will be taken to Jobs and Economy Committee to seek Members approval to go to a referendum. However, whilst the Neighbourhood Plan is a material consideration, until the Inspector has provided a final report and the plan is adopted through a referendum it does not carry any significant weight in the determination of the application.
- 6.9.2 Notwithstanding this Policy H1 of the plan relates to the application site (where it is in Awsworth) and states that dwellings should protect the amenity of existing neighbours, be of a high quality design, that the development should not result in an unacceptable impact on congestion or road and pedestrian safety and where feasible provide for the integration of adequate but sympathetically designed



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

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

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

6.10 **Developer Contributions**

6.10.1 Policy 19 of the ASC and Policy 32 of the P2LP state that financial contributions should be sought towards the maintenance of facilities and the provision of necessary infrastructure to support provision. Paragraph 56 of the NPPF advises that only those contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.

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

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

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

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

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

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

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

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

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

## **7 Planning Balance**

- 7.1 The benefits of the proposal are the provision of 250 dwellings including a number of affordable dwellings, the short term jobs created during the construction of the development and the financial contributions towards the opening up of the Bennerley Viaduct for pedestrian and cycle routes, education, open space, integrated transport and off-site highway works. There would be some impact on ecology, traffic generation and surface water run off but it is considered that these could be mitigated against through SuDs features, enhanced habitat creation and off-site highways works to improve traffic capacity.
- 7.2 On balance, the positives of the scheme are considered to outweigh the negatives.

8 Conclusion

- 8.1 The proposed development accords with Policies A, 1, 2, 3, 6, 8, 10, 11, 14, 16, 17, 18 and 19 of the Aligned Core Strategy (2014); Policies 1,13, 15, 17, 19, 20, 21, 22, 24, 26, 30, 31 and 32 of the Part 2 Local Plan (2019) and the NPPF so it is recommended conditional planning permission be granted.

**Recommendation**

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

- (i) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and contributions towards: provision of education measures, off-site highway works, provision and maintenance of open space, integrated transport measures, improved health facilities and improvements and maintenance of links towards and over Bennerley Viaduct; and**
- (ii) the following conditions:**

<b>1.</b>	<p><b>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.</b></p> <p><i><b>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.</b></i></p>
<b>2.</b>	<p><b>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.</b></p> <p><i><b>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.</b></i></p>
<b>3.</b>	<p><b>The development hereby approved shall be carried out in accordance with drawing numbers ADC1044/005 revision D and drawing ADC1044/007 revision A received by the Local Planning Authority on 7 October and 29 January 2020 respectively. Occupation of the proposed development shall not take place until the site access arrangements as shown on both of these plans have been provided.</b></p> <p><b>Reason: For the avoidance of doubt and in the interest of highway safety.</b></p>

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

	<p><b>(e) landscaping treatment of the site</b></p> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 2, 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and in the Interests of Highway safety.</i></p>
6.	<p>Prior to the occupation of each dwelling their respective driveways shall be surfaced in a hard bound material (not loose gravel) for a minimum distance of 5.5m from the back edge of the public highway, and drained so as to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><b>Reason: In the interest of highway safety</b></p>
7.	<p>Occupation of the proposed development shall not take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. loading and unloading of plant and materials</li> <li>iii. storage of plant and materials used in constructing the development</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>v. wheel washing facilities</li> <li>vi. measures to control the emission of dust and dirt during construction</li> <li>vii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p><b>Reason: In the interest of highway safety</b></p>

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



	<p>in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.</li> <li>• Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.</li> <li>• Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</li> <li>• Provide detailed design plans in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.</li> <li>• For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.</li> <li>• Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</li> </ul> <p><b>Reason</b></p> <p>A detailed surface water management plan is required to ensure that the development prevents an increase in flood risk, improves and protects water quality and has sufficient surface water management in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Part 2 Local Plan.</p>
11	<p>No development, including site clearance, shall commence until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority. No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>(i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</li> <li>(ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</li> </ul>

	<p><b><i>Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
12	<p>a) Prior to works commencing on the construction of any dwellings, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by the Local Planning Authority specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <ul style="list-style-type: none"> <li>- An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);</li> <li>- An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime);</li> <li>- An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 (night time)</li> <li>- An LAmax fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time)</li> </ul> <p>Those dwellings requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures shall be identified and agreed with the Local Planning Authority prior to construction commencing. In dwellings where windows must be closed to achieve the above levels adequate acoustic treated ventilation must be provided.</p> <p>b) All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied.</p> <p><b><i>Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided. In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
13	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.</p> <p><b><i>Reason: The application was submitted in outline only so no such</i></b></p>

	<i>details were provided. The development cannot proceed satisfactorily without such details being provided before development commences in the interests of public health and safety so as to protect occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
14	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration <i>and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
15	<p>No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:</p> <ul style="list-style-type: none"> <li>a) Risk assessment of potentially damaging construction activities</li> <li>b) Identification of 'biodiversity protection zones'.</li> <li>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as part of a set of method statements).</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>f) Responsible persons and lines of communication.</li> <li>g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person.</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
16	<p>Prior to works commencing above foundation level a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter with photographs of the measures in situ submitted to the Local</p>

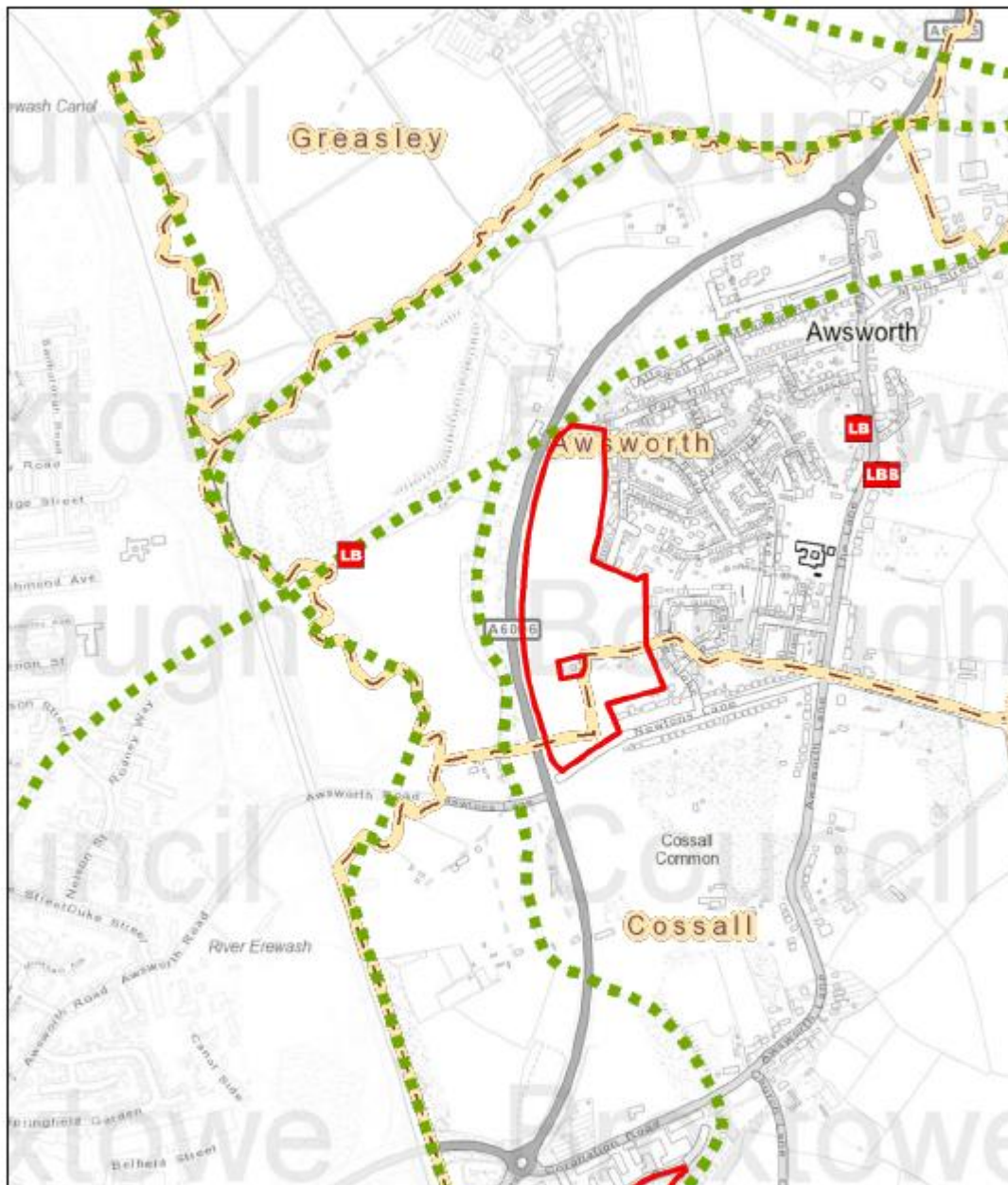
	<p><b>Planning Authority for confirmation. Measures shall include, but are not limited to:</b></p> <ul style="list-style-type: none"> <li>• Native wildlife planting (trees, berry rich shrubs, wildflower/grasslands)</li> <li>• Wildlife friendly surface water attenuation areas/wetlands/ponds</li> <li>• Future management of retained trees and hedges</li> <li>• Grassyland management (mosaic of heights)</li> <li>• Maintenance of 'dark habitat' areas and sympathetic lighting</li> <li>• Details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers)</li> <li>• Details of bird boxes (including swift boxes) will be clearly shown on a plan (positions/specification/numbers)</li> <li>• Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows)</li> <li>• Log/brush piles for amphibians</li> </ul> <p><b><i>Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></b></p>
17	<p><b>No development, including site clearance shall commence until updated ecological information including bat, amphibian, reptile wintering and breeding bird surveys, have been completed, submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</b></p> <p><b><i>Reason: The surveys submitted with the application are over 3 years old. As the application is in outline form only and requires reserved matters approval it is considered necessary that more up to date information is provided prior to the commencement of the development to ensure that the impact on biodiversity including any required mitigation is satisfactory, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
18	<p><b>Nothing shall be stored or placed in any area fenced in accordance with condition 9 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</b></p> <p><b><i>Reason: To ensure the retained trees and hedgerows are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></b></p>
19	<p><b>Prior to the demolition of White House Farm a Level 3 Building Recording, in accordance with RCHME guidance, shall be undertaken and submitted to, and approved in writing by the Local Planning Authority.</b></p>

	<b>Reason: To ensure an accurate record of this building is made and in accordance Paragraph 199 of the NPPF.</b>
<b>20</b>	<p><b>Prior to the removal of any hedgerows identified as ‘important’ under the archaeology and history criteria of the Hedgerow Regulations 1997 an archaeological recording shall be undertaken and submitted to and approved in writing by the Local Planning Authority.</b></p> <p><b>Reason: To ensure an accurate record of any important hedgerows are made and in accordance with Paragraph 199 of the NPPF.</b></p>
<b>21</b>	<p><b>Any historic or archaeological features which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local Planning authority in writing within 5 working days. Works shall be halted in the area affected until provision has been made for the retention and/or recording and any associated reporting, publication and archiving commensurate to the archaeological work undertaken in accordance with details submitted to and approved in writing by the local planning authority.</b></p> <p><b>Reason: To ensure appropriate investigation and recording/mitigation of any below ground archaeology in accordance with Paragraph 199 of the NPPF.</b></p>
	<b>Notes to Applicant</b>
<b>1</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>
<b>2</b>	<b>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.</b>
<b>3</b>	<b>The submitted plans are for indicative purposes only in relation to access and this decision does not approve the layout, form or design of any of the dwellings, landscaping or any other matters.</b>
<b>4</b>	<b>The developer will need to purchase first time bins. Notice will be served in due course. Properties will be allocated the following: 1x 240l bin for residual waste 1x 240l bin for dry recycling 1x 37l bag for glass recycling.</b>
<b>5</b>	<b>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.</b>

	<p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.</p>
6	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.
7	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
8	Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on a building occurs. For properties or parts of properties that need upgrading, refurbishing or demolition, a 'Refurbishment/Demolition Survey is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health Team at <a href="mailto:health@broxtowe.gov.uk">health@broxtowe.gov.uk</a>
9	You will need to contact the Council's Environmental Health Team on 01159173714 to notify them of the arrival on site of any Mobile Crushing plant for them to carry out an inspection of the crushing

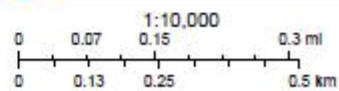
	equipment in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended)
10	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
11	<p>Under the Coal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

# Awsorth



24/02/2021 08:29:06

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



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## Photographs





View down Newtons Lane, site boundary on right



Southern site boundary in a westerly direction



From south boundary towards the south-west



From south boundary towards 'The View'



West boundary towards Newtons Lane



From west boundary towards The View



View towards the west from the middle of the site



North towards Barlow Drive North



Towards properties on The Glebe



From NE towards White House Farm



East looking towards SW



Northerly view towards Park Hill



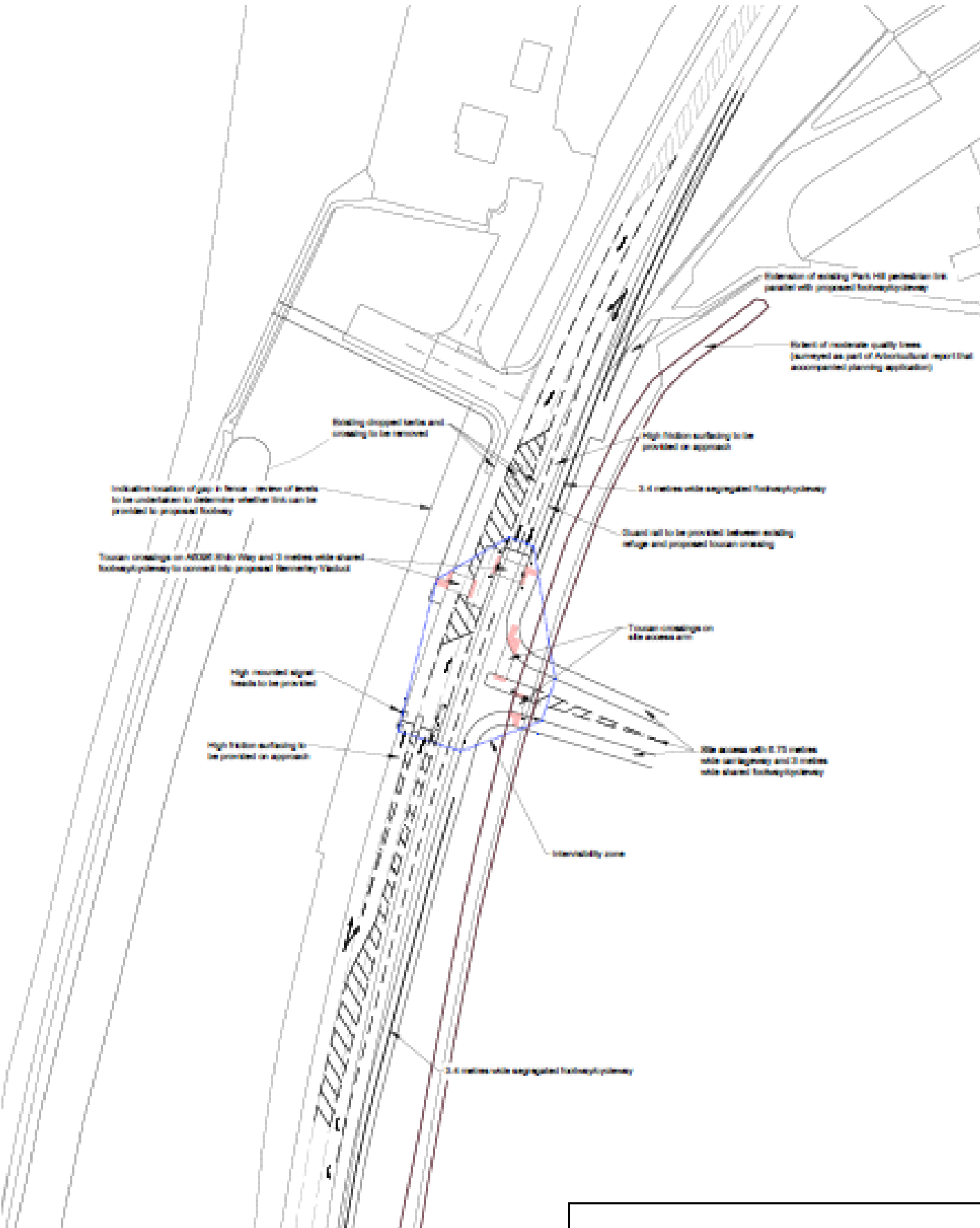


NE – SW showing bank of trees along A6096

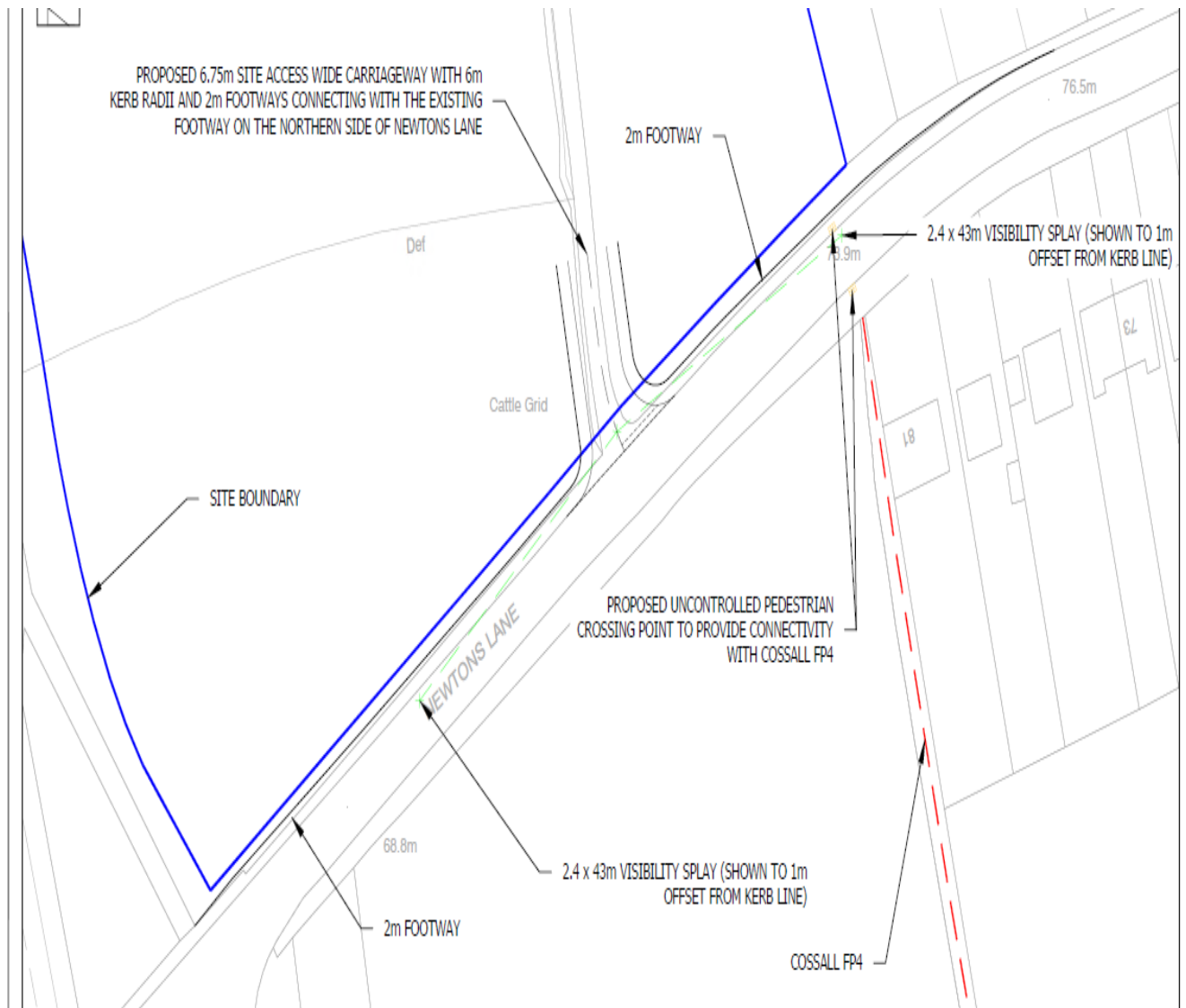


View from the A6096 of site and tree belt

Plans



Primary access



Secondary access