

Report of the Chief Executive

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

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

- 1.1 This application was brought before the Planning Committee on 17 March 2021. At this meeting the Committee raised concerns about the level of Section 106 contributions which was not considered sufficient, the use of private roads within the site, and the number of proposed dwellings (115 dwellings). A decision was made to defer the application to allow the applicant to address these matters.
- 1.2 Having considered the comments made by the Members of the Planning Committee, the applicant has not made any amendments to the application. The concerns raised by the members of the Planning Committee will therefore be addressed further in this report.

2 Section 106 Planning Contributions

- 2.1 It was previously reported to the Committee that planning contributions requests have been sought in respect of Primary Health Care (£62,315.62), the off-site provision of public open space (£95,905.40) and maintenance (£73,456.25), sustainable transport measures (bus taster tickets 115 x £50) and integrated transport measures (bus stop infrastructure at Cordy Lane £25,851.50). The total contributions therefore equate to £263,278.77. Paragraph 6.11.4 of the 17 March report stated this figure totalled £257,528.77; however, this did not take into account the cost of the bus taster tickets (115 x £50), therefore resulting in the total figure of agreed contributions being £263,278.77. Policy 15 of the Broxtowe Part 2 Local Plan also requires the site to provide 30% affordable housing. The applicant has agreed to pay all of these contributions, with the exception of the open space maintenance contributions as the applicant will instead pay a Management Company to undertake the work to maintain the open space within the site, as deemed acceptable by the council's Parks and Green Spaces Manager.
- 2.2 Additional contributions have been requested by NHS NUH Trust (£120,751). However, as the site is allocated in the adopted local plan and therefore was subject to consultation with relevant providers at the time of production, these requests cannot be justified. Similarly, a request has been made by Nottinghamshire County Council for library provision at Eastwood Library (£4,060). The provision is sought due to an existing deficiency at the library. As there is an existing deficiency the request is not considered to be reasonably related to the development and therefore the request cannot be justified.

2.3 Brinsley Parish Council has also made a number of requests for S106 contributions including the provision of a turning point on land belonging to Brinsley Primary School, new changing facilities, a community space and improved drainage at the existing football pitches, traffic calming measures on Broad Lane and that the affordable housing be bought or owned by the Council.

2.4 Section 106 Planning Contributions can be sought by the Local Planning Authority to mitigate the impact of development. Planning contributions can only be sought if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out as legal tests in the Community Infrastructure Levy (CIL) Regulations, 2010, and as policy tests in paragraph 56 of the National Planning Policy Framework (NPPF). Any requests that fall outside of these tests cannot be required to make a development proposal acceptable.

2.5 With respect to a turning point on land belonging to Brinsley Primary School, contributions for such works, if required, could be requested by Nottinghamshire County Council, either as the Education Authority or Highways Authority. The County Council has been consulted, and has provided comments, in respect of both education contributions and highways matters, and has not raised this as an issue that requires additional contributions as a direct result of the proposal. It therefore cannot be argued that the provision of a turning point on this land is either necessary to make the development acceptable, or directly related to the development.

2.6 The proposed development would yield an off-site public open space contribution of £95,905.40, which the applicant has agreed to pay. If necessary, this entire amount could be spent on improving facilities at the Brinsley Recreation Ground. The requested contribution is calculated using a Council agreed formula which takes into account a percentage split of land between different usage types such as sports pitches, amenity open space and play areas. The requested contribution is therefore evidence based, and relates directly to the impact of the development in that it can be used in full, if required, at the Brinsley Recreation Ground. Additional requests on top of this to improve facilities at the Brinsley Recreation Ground would not be fairly and reasonably related in scale to the development proposed and as such would not meet the statutory tests for requesting additional planning contributions.

2.7 Traffic calming measures on Broad Lane have not been identified as a requirement of this development by the Nottinghamshire County Council Highways Authority who, as previously stated, have been consulted as part of this application. The development will yield a contribution of £25,851.50 for sustainable integrated transport measures (bus stop infrastructure on Cordy Lane) and a total of £5,750 in bus taster tickets to encourage future occupiers to use sustainable transport methods. In addition, the applicant will be responsible for off-site junction improvement works at A608 Cordy Lane/B600 Willey Lane.

The developers have secured land at this junction to ensure that if this permission is granted, the appropriate works can be carried out. This effectively represents an additional contribution by the developer to mitigate the impact of the proposed development on the surrounding highways network.

- 2.8 In terms of affordable housing, the development will provide the required 30% of affordable homes. The Council will be able to put forward a bid for affordable housing, along with any other registered provider. However, to require the developers to sell the affordable housing to the Council as part of this proposal would not be within the scope of any planning permission granted, and would not meet the statutory tests of the CIL Regulations, 2010.
- 2.9 In conclusion, the development will yield total planning contributions of £263,278.77, as well as providing 35 affordable homes, and will result in off-site junction improvements works at A608 Cordy Lane/B600 Willey Lane. The requested contributions are evidence based resulting from discussions with statutory and technical consultees, and as such are considered to meet the tests of the CIL Regulations, 2010, Paragraph 56 of the NPPF, and Policy 32 of the Broxtowe Part 2 Local Plan (2019) as being reasonably required to mitigate the impact of development. The applicant has agreed to pay all the contributions which are considered to meet the tests (totalling £263,278.77), with no negotiations having taken place to reduce this amount based on viability concerns. Subsequently, it is considered that any refusal on the grounds of insufficient Section 106 contributions would not be sustained at appeal, and would put the Council at significant risk of having costs awarded against them if pursued by the applicant.

3 Use of private roads within the proposed site

- 3.1 As stated in paragraph 6.4.9 of the original report, the proposed development will have a main road running through the site, with secondary roads leading off from this. There will be two private drives serving a number of properties, and bin collection points have been provided for residents.
- 3.2 This Highways Authority has not raised any objection in respect of the two private roads within the proposed development site. The layout of the site, including the 2 private roads, has been considered to reduce the dominance of the road and soften its appearance. The private roads will reduce the amount of tarmac used throughout the site, which will aid the legibility and connectivity through the development and reflect the different character areas within the site.
- 3.3 It is noted from the discussions that took place at the meeting on 17 March that concerns were raised regarding the future management and maintenance of private roads within the development. In order to overcome these concerns, a further condition has been agreed with the applicant that the dwellings fronting private roads shall not be occupied until arrangements and a plan for the future management of the roads has been agreed.
- 3.4 Overall, it is considered that the proposed private roads within the development are integral to the design, appearance and character of the site, and will not result in any unacceptable highway safety concerns, as highlighted by the absence of

any objection from the Highways Authority. Furthermore, the proposed additional condition is considered to be sufficient to ensure the future management and maintenance of the private roads to an acceptable standard. It is therefore considered that this aspect of the proposed development is acceptable.

4 Number of proposed dwellings

- 4.1 Policy 5.1 of the Broxtowe Part 2 Local Plan (2019) requires the application site to accommodate 110 dwellings. The proposal is for 115 dwellings, which is considered to be in accordance with the policy, with the housing numbers being met. The proposal being 5 dwellings over the allocation is not considered to result in a scheme that is over-intensive, with a density of 28 dwellings per hectare not considered to be out of keeping with the character of the surrounding area. The proposal is considered to offer a suitable mix of housing types, with appropriate infrastructure and open space also factored into the design of the development.
- 4.2 On balance it is considered that the scale and density of the proposed development is acceptable, and that the provision of 115 dwellings within the site would not result in an over-intensive scheme that is out of keeping with the character of the surrounding area.

5 Conditions

- 5.1 In the late items for this application at the meeting on 17th March it was reported that various amendments to recommended conditions had been made as a result of further discussions with The Coal Authority and the applicant. Notably, the wording for condition 7 was amended to specify areas within the site where piling and penetrative foundation design is required; an additional condition in respect of site investigations, including a watching brief, covering site investigations and soil stripping operations was recommended (now condition 28); and the re-wording of conditions 2 and 14. The amendments as set out in the late items to the March 17 meeting have now been made in respect of the recommended conditions that form part of this report.

6 Conclusion

- 6.1 Whilst no further amendments to the proposal have been made in response to the deferral of the application at the meeting on 17 March 2021, it is considered that the proposed development is acceptable in terms of the Section 106 contributions, and its design in respect of the use of private roads within the development, and the number of dwellings to be constructed within the site. It is therefore recommended planning permission is granted in accordance with the resolution within this report.

Recommendation

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

- (i) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision and maintenance of open space, integrated and sustainable transport measures and Primary Health Care and
- (ii) the following conditions:

1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>Location Plan - H8060-02 Rev B Planning Layout - H8060/P101e Rev F Off Site Junction Arrangement ADC2052-DR-002 Revision P3 Site Access General Arrangement - ADC2052-DR-001 Rev P6 Vehicular Tracking - ENG-101-VT Drainage Strategy - H8060-102B Rev B General Arrangement – Drainage - H8060-102B Rev B</p> <p>Soft Landscape Proposals (1 of 3) GL1359 01E Soft Landscape Proposals (2 of 3) GL1359 02E Soft Landscape Proposals (3 of 3) GL1359 03E 1.8m Timber Hit & Miss Fence – 2010/DET/228 0.9m Estate Railings - 2010/DET/226 1.8m Close Boarded Fence - 2010/DET/207 Boundary Wall – Type 3 - NM-SD13-013 Boundary Wall – Type 1 - DB-SD13-004 Rev C</p> <p>Street Scenes - H8060_05_01 Rev B Materials Layout - H8060/06 Rev B Cross Sections - H8060_05_02 Rev A 6 x 3m Double Garage - LDG2H8 6 x 3m Single Garage - LSG1H8 Standard Double Garage SDG1H8 Rev A Standard Double (2 x single) Garage - SDG2H8 Rev A</p>

	<p>Standard Single Garage SSG1H8 Rev A</p> <p>Holden Weatherboard: house type code H4693WH7 Wilford (Gable End Terrace): P204-EG7: Rev A Wilford (Hipped End Terrace): P204-EH7: Rev E Wilford (Mid Terrace) : P204-I-7: Rev B Hadley (Detached) : P341-D7: Rev B_C Hadley (End Terrace) : P341 -E-7: Rev B_C Henley: H588--7: Rev B_D Holden: H469--H7: Rev D Meriden: H429--H7: Rev C Winstone: H421--H7: Rev D Ingleby: H403-F7: Rev A Abbeydale: H349-H7: Rev C Avondale: H456-X7 Rev 3W09: Archford (Hipped End Terrace) P382-EH7: Rev C Archford (Mid Terrace): P382-I-7: Rev D Archford (End Gable Terrace): P382-EG7: Rev A Greenwood (Gable End Terrace) T322-E-7: Rev A_B Type 74 (End Terrace): SH74-E-7 Type 58 / Type 59 (Hipped End Terrace): SF58-E-7/SF59-EH7 Type 50 (Hipped End Terrace): SH50-EH7 Type 50 (Mid Terrace): SH50-I-7: Rev C Type 52 (Hipped End Terrace): SH52-EH7 Type 67 (Hipped End Terrace) SH67-EH7 Type 67 (mid Terrace): SH67-I-7 Type 69 (Hipped End Terrace): SH69-EH7 Type 69 (Mid Terrace): SH69 -I-7</p> <p>Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.</p>
3.	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> ● Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. ● Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area. ● Provision of surface water run-off attenuation

	<p>storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</p> <ul style="list-style-type: none"> • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term resilience. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and Policy 1 of the Broxtowe Part 2 Local Plan (2019). It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i></p>
4.	<p>No development, including site clearance, shall commence until measures to protect the retained hedgerows and trees on site during construction have been submitted to and agreed in writing by the Local Planning Authority. No development shall commence until the agreed protection measures are in place and these shall be retained in place until all construction in the area around the protected vegetation has been completed.</p> <p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of biodiversity and in accordance with the aims of the NPPF, Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
5.	<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> <ol style="list-style-type: none"> a) pipes over 200mm in diameter capped off at night to prevent animals entering b) netting and cutting tools not to be left in the works area where they might entangle or injure animals c) No stockpiles of vegetation should be left overnight and if

	<p>they are left then they should be dismantled by hand prior to removal</p> <p>d) construction lighting proposals e) materials, plant and machinery storage locations f) dust management plan g) proposed working practices to minimise harm to wildlife and trees</p> <p>The development shall be constructed in accordance with the agreed CEMP.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
6.	<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> <p>(i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No development shall commence until details of all necessary piling or other penetrative foundation design, specifically in the area of former open case mining within the south of the site and as identified in the Geomatters Highwall Investigation Report dated 24.11.20 have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.</p> <p><i>Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the</i></p>

	<i>interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
8.	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate v. wheel washing facilities vi. measures to control the emission of dust and dirt during construction vii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>Reason: In the interest of highway safety.</p>
9.	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration <i>and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing number ADC2052-DR-001 Revision P6, including the proposed pedestrian refuge island across Cordy Lane has been provided.</p> <p>Reason: In the interest of highway safety.</p>
11.	<p>Occupation of the proposed dwellings shall not take place until the off-site highway works at the A608 Cordy Lane / B600 Willey Lane junction as shown for indicative purposes only on drawing number ADC2052-DR-002 Revision P3 have been provided.</p> <p>Reason: To mitigate the impact of development traffic on the</p>

	network, in the interest of highway safety.
12.	<p>Prior to works commencing above foundation level a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should detail how protected or otherwise notable species and habitats on site will be protected throughout the construction and operation phases of the proposed development and include measures such as those to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows. Such approved measures shall be implemented in full and maintained thereafter in accordance with details which shall first be submitted to and approved in writing by the local planning Authority.</p> <p><i>Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
13.	<p>Trees referenced T1, T2 and T3 in the Crestwood Environmental: Bat Activity Survey Report (CE-CL-1493-RP03A - final) shall not be removed unless and until an endoscope survey has been undertaken immediately prior to any proposed works in the presence of a suitably qualified ecologist. A report detailing the findings of this survey, including any proposed mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: In the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
14.	<p>No development shall commence above ground floor level until a noise assessment has been undertaken detailing a scheme for protecting the proposed dwellings from noise from the multi use games area and sports pitches adjacent to the proposed development and has been submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect future occupiers from any significant adverse impact as a result of excessive recreational noise in accordance with paragraph 180 of the NPPF.</i></p>
15.	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 4 and the ground levels within those areas shall not be altered, nor shall any excavation be made,</p>

	<p>without the prior written consent of the local planning authority.</p> <p>Reason: <i>To ensure the retained trees are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
16.	<p>No external lighting shall be erected until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the agreed details.</p> <p>Reason: <i>No such details were submitted and in the interests of safeguarding habitat for bats, in accordance with the aims of Policies 20 and 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
17.	<p>An updated Great Crested Newts survey shall be undertaken and the results submitted to the Local Planning Authority should the development not commence within 18 months of the date of the permission. All mitigation measures identified within the report shall be undertaken in full prior to the occupation of any of the dwellings hereby approved.</p> <p>Reason: <i>To ensure the impact on ecology is minimised and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
18.	<p>A timetable for the implementation of the soft landscaping proposals hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p>Reason: <i>To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
19.	<p>No above ground floor level works shall commence until details of the location of all meter boxes have been submitted to and approved by the Local Planning Authority.</p> <p>Reason: <i>In the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
20.	Prior to the occupation of the dwellings hereby approved, details

	<p>of a private management company for managing the onsite open space and a detailed landscape management plan, which includes long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority and maintained and retained for the lifetime of the development.</p> <p><i>Reason: To ensure the site is suitably landscaped and this is maintained for the life of the development.</i></p>
21.	<p>No dwelling shall be occupied until its own boundary treatment has been erected in accordance with the approved details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
22.	<p>No retaining wall on any plot shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
23.	<p>Occupation of the proposed dwellings shall not take place until their respective driveway/shared driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
24.	<p>Occupation of the proposed dwellings shall not take place until Brinsley Footpath 31 has been diverted in accordance with the details shown on drawing H8060/P101e Rev F.</p> <p><i>Reason: To prevent the obstruction of the public highway.</i></p>
25.	Electric vehicle charging points shall be installed on the

	<p>dwellings as indicated on the approved plans prior to their first occupation and thereafter retained and maintained for the lifetime of the development.</p> <p>Reason: <i>To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions or enlargements shall be carried out to the dwellings at plots 14, 15 and 17 hereby approved which come within Class A or B of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>In the interests of the amenity of adjoining neighbours and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
27.	<p>The first floor windows in the north facing side elevation of plots 14 and 15 shall be obscurely glazed and fixed shut below 1.7m from floor level within the room it is located.</p> <p>Reason: <i>In the interests of residential amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
28.	<p>No development shall commence until a written scheme of investigation including a watching brief covering site excavations and soil stripping operations has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. If unexpected ground conditions are discovered during development resulting in former coal mining operations being exposed work shall cease immediately. A further ground investigation report shall be submitted to and approved in writing by the Local Planning Authority highlighting the extent and nature of the previously undiscovered ground conditions including a suitable method statement enabling works to recommence on site. Any recommencement of work on site shall proceed only in accordance with these approved details.</p> <p>Reason: <i>To ensure development proceeds in a safe manner reflecting ground conditions and former coal mining operations and in accordance with the aims of Policy 19 of the Broxtowe</i></p>

	<i>Part 2 Local Plan (2019).</i>
29.	<p>Occupation of the dwellings fronting a shared private drive shall not take place until details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage by a private management company have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.</p> <p><i>Reason: To ensure the road infrastructure is maintained to an appropriate standard for the lifetime of the development.</i></p>
	NOTES TO APPLICANT:
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
4.	Reference in any condition contained in this permission/ to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.
5.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks for which there is a fee.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take</p>

	<p>some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscce.gov.uk</p>
6.	In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottscce.gov.uk
7.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]
8.	The proposed development requires the diversion of a public right of way which is administered by the Department for Transport. The grant of planning permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed.
9.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created.

	<p>This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
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