

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00844/OUT</b>
<b>LOCATION:</b>	<b>Former site of Lynncroft Primary School, Garden Road, Eastwood NG16 3FZ</b>
<b>PROPOSAL:</b>	<b>Outline planning application with all matters reserved to construct up to 110 dwellings with access from Lynncroft</b>

The application is brought to the Committee as it is a major development.

1 Executive Summary

- 1.1 The application seeks outline planning permission with all matters reserved for a residential development of up to 110 dwellings.
- 1.2 The site was formerly occupied by a primary school which included playing fields to the west of the main school buildings, which have since been demolished. Pedestrian and Vehicular access to the school was off Lynncroft.
- 1.3 The main issues relate to whether the principle of residential development would be acceptable, whether there would be an unacceptable impact on neighbour amenity, whether it would result in a risk to flooding, whether there would be an impact on biodiversity and Green Infrastructure Assets, whether there would be harm to the designated heritage asset and whether there would be harm to highway safety.
- 1.4 The benefits of the proposal are that it would provide housing in a sustainable location close to the town centre and associated facilities, and on a site allocated in the Part 2 Local Plan for housing development. The principle of development would be in accordance with the policies contained within the development plan. This is given significant weight. There would be a loss of playing fields but this is outweighed by the benefits of the scheme.
- 1.5 The committee is asked to resolve that outline planning permission be granted subject to conditions outlined in the appendix and to the prior signing of a Section 106 Agreement.

## APPENDIX

1 Details of the Application

- 1.1 The application seeks outline planning permission with all matters reserved for a residential development of up to 110 dwellings. An indicative site layout plan has been submitted which shows that access would be off Lynncroft, as the site is otherwise bounded by built development, to the north and west, and the adjacent site to the south. The indicative plan shows the housing to be arranged on the site of the former school buildings and on the top playing field. A public open space is indicatively shown to the south west corner, on an area of land which is at a higher ground level. The site to the south, adjacent to the replacement school and which is accessed off Walker Street, is the subject of a separate outline application for 60 assisted living apartments with access from Walker Street (reference 20/00844/OUT).
- 1.2 The housing proposed is indicated to be market housing with a mix of two and three bedrooms.

2 Site and surroundings

- 2.1 The school buildings, which were located to the east of the site and accessed off Lynncroft, have been demolished. The school had two large areas used as playing fields / sports pitches. The northern area is within the application site and is at a lower ground level than the southern school field, which is outside of the application site boundary. There is approximately a 10m level change over the allocated site as a whole.
- 2.2 There are residential buildings to the north of the site, along Garden Road, which are at a lower ground level. These are mainly two storey semi-detached dwellings with long gardens, which have mature trees along the common boundary with the school site. There is a footpath that links Garden Road to Atherfield Gardens, which is to the west of the site. These are two storey semi-detached dwellings which back on to the site. These are on a level with the fields. To the south of Atherfield, and in the southern most corner, the rear elevations of two storey terraced houses on Grosvenor Road, as well as a small factory to the end of Grosvenor, share the common boundary to their north. The site also shares a common boundary with 173 Lynncroft, which is a detached bungalow. To the rear of the bungalow and south of the former school building's location, there is an area of mature trees known as the Canyons. These are outside of the application site.
- 2.3 To the north of the site, but not directly adjacent, is 28 Garden Road, on the opposite side of the road. This property is a Grade II listed building, being a two storey end of terrace dwelling at the corner of Beardsall Road. The property is listed for its associate significance, having been lived in by D H Lawrence and is part of the DH Lawrence trail.
- 2.4 There is a Public Right of Way (RoW) which runs from Garden Road, opposite the listed building, southwards (between the school buildings and the playing fields).
- 2.5 The application site is to the north of Eastwood Town Centre.

### 3 Relevant Planning History

- 3.1 There have been two planning notifications made by the County Council as Education Authority relating to the use of the site as a school and grounds, which were both for security fencing, in 2002 and 2006.

### 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 17: Biodiversity
- Policy 19: Developer Contributions

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

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 6.1: Walker Street Eastwood – housing allocation site
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

#### 4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.

### 5 Consultations

- 5.1 **Council's Planning Policy Officer:** Whilst the wider allocated site (which includes this and the southern section (see planning application reference 20/00845/OUT) ) has a Key Development Requirement for 200 homes, it is accepted that due to the significant land-level differences, which could constrain development and the ability

to access the mid-level plateau (site of the proposed public open space as shown on the indicative site layout), the overall provision of the site allocation for 170 homes (110 for this proposed outline and 60 as proposed under 20/00845/OUT) is accepted as whilst this would potentially result in a 30 home shortfall, it likely that the overall scheme would be negatively impacted upon if the additional 30 dwellings were insisted upon.

- 5.2 **Council's Conservation Officer:** Would recommend that the Public Right of Way be kept straight and not detour through the site, as is shown on the indicative layout, so as to provide a direct link through to the listed building on Garden Road. Notwithstanding this, considers that the Heritage asset would not be significantly affected by the development.
- 5.3 **Council's Environmental Health Officer:** No objections subject to a pre-commencement condition in respect of contaminated land survey, and note to applicant regarding hours of construction (noisy works) and burning of waste.
- 5.4 **Council's Parks and Environment Officer:** Would need to establish management of the proposed trees to the southern boundary, including establishing if fencing required if not publically accessible. Three areas of SuDS are indicatively shown on the layout plan and clarification required in respect of access to the northern SuDS and if publically accessible, would need to be enclosed by low railings. Recommend an improved link through to The Canyons (to the south of the site). The indicative P.O.S. needs to ensure that it is accessible given that access to this area from the south of the site is very steep. Additionally, vehicular access would be required for maintenance of the P.O.S. Would expect a S106 to secure details of a maintenance specification for the P.O.S.
- 5.5 **Council's Waste and Recycling Officer:** The development would require 2 x 240 litre bins and 1 glass bag per property. The development needs to ensure that it would be accessible by larger refuse vehicles and the highway constructed to an appropriate standard.
- 5.6 **Council's Housing Officer:** Awaiting comments, which will be reported at committee.
- 5.7 **County Council Policy Officer:** The development of 110 dwellings would result in the need for additional primary and secondary school places. A contribution of £436,518 would be sought via a Section 106 obligation in respect of Education. A contribution of £3,876 would also be sought towards the procurement of additional library stock as a result of the increase in occupants. A contribution of £6,000 is sought towards bus stop improvements which shall include the installation of raised boarding kerbs.

The Travel Plan should include reference to a suitable target for transport modal share to achieve an uplift in the target share for the site. Free introductory bus travel should be made available to future residents of the development to encourage usage of public transport and this should be set out in the Travel Plan.

- 5.8 **County Council as Highways Authority:** Satisfied that the proposed configuration of the carriageway would be sufficient for up to 150 dwellings, and

any future reserved matters submission would need to reflect this. The projected traffic generated by the site is not anticipated to be significantly higher than the traffic generated by the primary school and should not lead to a detriment to highway safety. Details of the access, which are to be submitted at reserved matters stage, should ensure that the carriageway width is adequate to serve the site and designed so as to enable larger vehicles such as refuse vehicles to pass cars simultaneously. Care should be taken to ensure that parked vehicles do not prevent visibility of moving vehicles to ensure ease of access. SuDS features as indicated on the layout would not be adopted by the highway authority. All surface water on the highway should be drained to a sewer within the control of Severn Trent Water. The Travel Plan as submitted is acceptable.

- 5.9 **County Council Right of Way Officer:** Applicant needs to confirm if the public RoW is to be diverted. Details required of surfacing and how the footpath would be segregated from access drives. Applicant to be made aware of obligations in respect of development affecting or adjacent to the public RoW.
- 5.10 **County Council as Local Lead Flooding Authority:** No objection subject to a condition to agree a surface water drainage scheme which should be based on the approved FRA. Would need to be re-consulted should any changes be proposed to the FRA or the Drainage Strategy.
- 5.11 **Notts Wildlife Trust:** Generally accepting of the information submitted, but recommend conditions requiring a detailed badger survey prior to clearance of the site; bat survey prior to the demolition of the buildings; provision of root protection area for woodland area; development to be carried out in accordance with the Ecologists recommendations; Construction Ecological Management Plan (CEMP); Landscape Ecology Management Plan (LEMP); revised Ecological Report required should the works not commence prior to November 2022. Officer note: As there are a high number of conditions, it is recommended that these shall be consolidated and, where appropriate, some recommendations shall be Note to Applicant in lieu of conditions.
- 5.12 **Coal Authority:** No comments, as considers notification not required. Coal standing advice to be included as note to applicant.
- 5.13 **Cadent:** Utility apparatus in the vicinity of the development and the developer should contact Cadent directly for advice.
- 5.14 **NHS CCG West:** Request a financial contribution of £59,606.25 based on 110 dwellings, to provide enhanced capacity / infrastructure at one or all of the three existing practices: Church Walk Surgery; Newthorpe Medical Practice; Eastwood Primary Care Centre.
- 5.15 **NHS NUH Trust:** Requests that a financial contribution of £1,050.01 be secured by Section 106 agreement for the provision of services at NHS NUH hospitals.
- 5.16 **Severn Trent Water:** Consent is required to enable connection to the public sewer.

5.17 99 properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. 29 responses were received. The responses can be summarised as follows:

Grounds of objection (23 responses):

- The development, due to the reduction in green area, would result in an unacceptable increase in water volume into Beauvale Brook and would represent a serious flooding risk to nearby houses along Greenhills Road and Robey Drive
- No mention of provision to deal with un-regulated surface water run-off
- Single access to 110 dwellings is inadequate as Lynncroft is a narrow road, an additional access onto other roads is needed
- The layout should ensure that all units have adequate parking so as to avoid on-street parking and overflow onto nearby roads
- Object to loss of valued greenfield site and playing fields, which is currently available for use by the public
- Neighbour amenity, particularly overlooking and loss of privacy due to the raised level of the site, and noise and disturbance
- Impact on character and appearance of the area, which is currently open and green
- Poor level of community consultation
- Footpath access (to the north west) would create rat run for motorbikes
- The vibrations from building works would disrupt wildlife including badgers
- Disagree with the statement that the site is previously developed land (aside from where the former school buildings were)
- Concerns in respect of construction traffic including deliveries of materials and impact on adjacent streets, which is not suitable for HGV's, and in respect of construction traffic parking on nearby roads
- Noise and disturbance during construction works
- A restriction on hours of work during the construction period should be imposed
- Disagree that the development meets Key Development Requirement 3 b) of P2LP Policy 6.1 in respect of enhancing wildlife corridor to the rear of properties on Garden Road
- Single storey dwellings to the rear of Garden Road would be preferable
- Potential for smells emanating from the SuDS features (standing water)
- Elderly housing scheme should be incorporated on the site to the north so as to address privacy concerns
- A retaining wall should be introduced along the existing alleyway to assist with privacy
- Consideration of landscaping to provide buffer between the development and existing houses
- Doctors and schools will be overrun (impact on existing health and education facilities)

Observations (6 responses):

- The traffic modelling does not appear to take into account the differences in traffic during the closure of the school (during lockdown)
- Increase in noise from the new dwellings especially during summer
- Concerns in respect of impact on wildlife

- Lynncroft is congested with parked vehicles making access difficult at times
- The main field could be a beautiful landscaped garden in memory of DH Lawrence
- The land could be used for a small hub for light refreshments etc
- If the drainage feature is constructed to the rear of existing properties, would the owners of those properties acquire riparian ownership over these features
- There is no existing ditch to the rear of Garden Road properties
- The SuDS features need to be sufficient to prevent flooding to the adjacent properties on Garden Road and need to be maintained
- Query as to why sensitive information in respect of badgers has been redacted from the report as concerned that trying to hide the fact that badgers are in the area
- Note that vents are present on the site, presumably for evidence of methane
- No objection to the principle of residential development, but concerns in respect of loss of privacy
- Consideration should be made to re-routing PRow through to Wellington Place so as to avoid children attending Lawrence View having to walk the long way round on Walker Street

## 6 Assessment

6.1 The main issues relate to whether the principle of residential development would be acceptable, whether there would be an unacceptable impact on neighbour amenity, whether it would result in a risk to flooding, whether there would be an impact on biodiversity and Green Infrastructure Assets, whether there would be harm to the designated heritage asset and whether there would be harm to highway safety.

## 6.2 **Principle**

6.2.1 The site is part of a larger allocated site in the Part 2 Local Plan, which allocates the wider site for a mix of residential, replacement school and community hub. As such, the loss of the site as playing fields has been assessed and found to be justified, through the Local Plan adoption process. The application site is allocated for residential development and as such the principle of the development is acceptable, subject to the Key Development Requirements which are:

- 200 homes (over the whole allocated site)
- Provision of attractive and usable walking and cycling links
- Retention of The Canyons as open space (wooded area to the south of and therefore outside of the application site)
- Enhancement of Green Infrastructure corridors through the site including enhancement of the wildlife corridor to the rear of houses on Garden Road and connect to the wider area via the DH Lawrence heritage trail
- Ensure that development does not increase risk of flooding elsewhere
- Provision of SuDS at the northern edge of the site
- Maintain views of DH Lawrence heritage from Walker Street as part of the DH Lawrence heritage trail

6.2.2 Whilst the combined amount of residential development (that is, the proposal for 110 dwellings being considered under this application and the 60 dwellings being considered on the adjacent site (reference 20/00845/OUT) which equates to 170), it is accepted by the Council's Planning Policy Officer that due to the significant land-level differences, which could constrain development and the ability to access the mid-level plateau (site of the proposed public open space as shown on the indicative site layout), the overall provision of the site allocation for 170 homes is acceptable as whilst this would potentially result in a 30 home shortfall, it is likely that the overall scheme would be negatively impacted upon if the additional 30 dwellings were insisted upon.

### **6.3 Developer Contributions**

6.3.1 As the application is a major, developer contributions have been requested for: Maintenance of Public Open Space, the amount of which is to be determined and will be reported at committee, Education (provision of secondary school places) £436,518.00, purchase of additional library stock £3,876.00, Bus stop improvements £6,000.00, NHS NUH Trust £1050.01 per dwelling, NHS CCG £59,606.25 toward the enhancement of capacity or infrastructure at existing primary health care facilities.

6.3.2 The agent has provided draft Heads of Terms. This includes the provision of affordable housing at a rate of 10%. This would be secured by Section 106 Agreement.

6.3.3 In respect of the NHS NUH request for a contribution of £1050.01 per dwelling, as the site is allocated in the adopted local plan, and therefore was subject to consultation with relevant healthcare providers at the time of production, this request cannot be justified and as such the latter will not be considered necessary in order to make the development otherwise S106 compliant.

### **6.4 Layout**

6.4.1 The layout takes into account the constraints of the site which are the differences in ground levels. Whilst the playing field area is generally level, there are significant drops to both the north and south of the site, which restricts development to the playing field and area where the school buildings have been demolished. This also restricts where vehicular access can be located, as the site is bounded by dwellings to the north, east and west, and it would not be practical from an engineering point of view to create an additional or alternative access to the site from the south onto Walker Street. The latter would also have an impact on the viability of the adjacent site for development as the majority of that part of the site would be taken up by this access and road.

6.4.2 The layout is indicative, as all matters are reserved. However, it is considered that the indicative layout makes good use of the available developable land whilst providing pedestrian links through to the existing Public Rights of Way including creation of new pedestrian links, and indicative areas for the provision of SuDS as required by the Key Development Requirements (KDR) of Policy 6.1. It is considered that the indicative layout demonstrates that adequate provision for off street parking, bin storage and private external amenity space is achievable. It is



also considered that increasing the amount of dwellings on the site may be over-intensive as it would have the potential to impact on the provision of parking, lead to smaller dwellings and gardens, and have greater impact on neighbour amenity for both existing and future residents.

6.4.3 An area has indicatively been set aside as a Public Open Space (to the south west of the site). This would serve both the proposed and existing dwellings and would provide an attractive and usable pedestrian link through from the north to the south, giving convenient access for the occupiers and those to the north to the primary school and an alternative route to the nearby facilities including the main road for public transport.

6.4.4 Details of the layout, appearance and scale of development would all be reserved matters and any impact on character and appearance of the wider area would be assessed at that point.

## **6.5 Impact on Heritage Asset**

6.5.1 A KDR of Policy 6.1 requires that views of the Grade II Listed building (DH Lawrence heritage dwelling) at 28 Garden Road are maintained. The indicative layout demonstrates that this could be accommodated, as the PRoW, whilst shown to be slightly diverted, would maintain a view and direct link through from the south of the site. The Conservation Officer considers that the PRoW should be maintained as a straight line, however considers that the Heritage Asset would not be significantly affected by the development.

## **6.6 Amenity**

6.6.1 The design and appearance of the dwellings are to be a reserved matter. Notwithstanding this, it is clear from the responses received that there are concerns regarding overlooking, loss of light and loss of privacy from the occupiers of the existing properties, mainly to Garden Road, due to the differences in levels, with the site being higher than the properties to the north. The reserved matters, once submitted, would need to demonstrate that any buildings proposed would not have a significant impact on neighbour amenity. Cross sections through the proposed development in context with the existing dwellings would be required in order to assess any impact.

## **6.7 Impact on Biodiversity and Green Infrastructure Assets / Corridors**

6.7.1 The Canyons, which is the wooded area to the south of and outside the application site, is allocated as being a Green Infrastructure Asset in the P2LP and whilst outside of the site, would need to be protected and where appropriate, enhanced. The indicative layout plan shows that there are trees to the north of the GIA, which can be read as part of The Canyons, that are to be retained. The PRoW would be maintained to the north-west of the GIA. Landscaping details are a reserved matter, however as it is indicated that the tree buffer would remain, it is considered that subject to the details of the reserved matter in respect of landscaping, the GIA would be protected and enhanced through both enabling improved public access and through natural surveillance of the area.

- 6.7.2 The playing fields and areas to the boundaries of the site provide opportunities for biodiversity to flourish. One of the KDR is to enhance the wildlife corridor to the rear of houses along Garden Road. The indicative layout shows an area allocated for SuDS which provide a buffer between the development and the wildlife corridor which is considered, subject to further details, to meet this requirement. It is considered that the indicative layout has the potential to enable wildlife as well as birds and bats to access and traverse the site. Landscape details would include boundary treatments, which could incorporate hedgehog friendly fencing.
- 6.7.3 Notts Wildlife Trust are generally accepting of the information submitted as part of the application, and recommend a suite of conditions to ensure that biodiversity assets are not adversely affected by the development. This includes ensuring construction works are carried out with respect for or harm to the wildlife and to ensure that ecological enhancements are secured.

## 6.8 Access and Highway Safety

- 6.8.1 Access would be a reserved matter, however the indicative layout shows that the development would have a single access from Lynncroft, which utilises the existing access which formerly served the primary school. The Highway Authority raise no objection to this, subject to the access being designed to a satisfactory width and provision of pavements. It is noted, as outlined in paragraph 6.4 above, that due to site level differences, it would not be practical to provide an alternative or additional access elsewhere within the site.
- 6.8.2 The Highway Authority consider that the projected traffic generated by the site is not anticipated to be significantly higher than the traffic generated by the primary school and should not lead to a detriment to highway safety.
- 6.8.3 The PRoW that leads from Garden Road southwards is shown to be retained but the route slightly diverted so as to follow the pavement shown on the indicative layout plan. Whilst this is acceptable in principle, the PRoW officer would need to have confirmation of this and requires details of surfacing and how the footpath would be segregated from access drives. These points can be addressed in the reserved matters application.
- 6.8.4 The Travel Plan as submitted, which will target new residents as they move in to the development, includes measures such as ensuring proximity to sustainable modes of travel, for instance footpaths, cycle routes, bus stops; room within the curtilage of each property for cycle storage; sufficient parking; travel information board in the sales office; Travel Information Pack on first occupation of each dwelling which would include a 3 month bus ticket or voucher to enable discount on cycle equipment; promotion to residents of travel awareness days for example National Cycle to Work Week and annual newsletter; raise awareness of health benefits of walking / cycling; promotion of Nottinghamshire Car Share scheme. The Highway Authority are satisfied with the contents, including measures to ensure ongoing monitoring of the Travel Plan. Electric Vehicle Charging Points would be secured by condition.
- 6.8.5 The site is in a sustainable location, and given the opportunities for pedestrian routes through the site to facilities such as education, health and shopping, and to

public transport, it is considered that the development would lessen reliance on the use of private vehicles.

## 6.9 Flood Risk and Surface Water Drainage

6.9.1 Although the site is not in Flood Zones 2 or 3, given the topography of the site, the development would need to ensure that it does not result in an increased risk of flooding to the houses that are at a lower ground level than the site. SuDS features are shown on the indicative layout in line with KDR of Policy 6.1. A Flood Risk Assessment has been submitted and subject to a condition requiring details of a surface water drainage scheme to be submitted and agreed prior to commencement of the development, the County Council as Local Lead Flooding Authority raise no objections. It is therefore considered that, subject to the agreement of the surface water drainage scheme, the provision of the SuDS features and ongoing management and maintenance thereof, the development would not result in a significant increase of risk of flooding to nearby property or other adjacent land. Subject to an approved maintenance plan, the SuDS features should not result in standing water, and resulting smells, to the detriment of nearby occupiers.

## 6.10 Other Matters

6.10.1 **Health Impact Assessment:** As a requirement of the submission, a Health Impact Assessment checklist has been received. Most items on the checklist are stated to be a positive, with three points (relating to: provision of secure cycle parking/ cycle lanes connecting to local and strategic networks, provision of new employment opportunities, and restriction of hot food takeaways) being a neutral and one point classed as uncertain (incorporation of renewable energies / measures to respond to seasonal changes). Overall, and as some points may not be determined until the reserved matters stage, it is considered that the development would have a positive impact on health.

6.10.2 **Building for Life Assessment:** As a requirement of the submission, a Building for Life assessment has been submitted. This concludes that of the 12 points set out in the BfL, all points score green and it is considered, notwithstanding that the application is at outline stage, that the BfL has been assessed correctly.

6.10.3 **Sustainability Statement:** It is considered that the development meets the three dimensions required of sustainable development (economic, social and environmental), as assessed in the paragraphs above.

6.10.4 **Noise and Pollution:** Given the history of the site, a condition will be imposed to agree details of a contaminated land survey and any measures identified would need to be implemented. This will be secured by condition. In respect of noise generated by the construction works, a note to applicant will be included in the decision setting out acceptable hours of noisy works so as to minimise disturbance for the occupiers of neighbouring property.

### 6.10.5 Matters Arising as a Result of Consultation:

- It is considered that the immediate neighbouring properties and the wider area have been consulted in accordance with the statutory obligations set out in the TCPA 2015, through notification letters to all adjoining residents, placement of site notices and publication of a press notice. Furthermore, the agent has displayed information boards around the site, inviting comments from the local community, prior to the submission of the application.
- Any new footpath proposed would need to be approved as part of the reserved matters application, and the details would need to take into consideration matters such as convenience of the route, measures to ensure opportunities for crime and anti-social behaviour are designed out, and adequate surveillance of the routes.
- As outlined in the report the development would generate the need for financial contributions toward the provision of school places and enhanced facilities at the nearby library and health centres, to mitigate for the increased in population in the area.
- Whilst it is acknowledged that the development would result in an increase in activity on the site, it is considered that the use of the site for residential would generate domestic noise at such a level to be considered significant.
- Use of the land for alternative uses is not under consideration and is in accordance with the site's allocation in the Local Plan
- Badgers are a protected species and as such any information relating to badgers which could lead to identification of their location and setts could lead to the potential for harm to this species and is therefore not available for public consumption. The information regarding Badgers has been made available to the relevant body i.e. Notts Wildlife Trust for consideration and assessment.
- Whether the owners of adjacent property would acquire riparian ownership over any watercourse or similar feature within or adjacent to a property would be a matter to be determined by that owner and the developer, and is not a material planning matter.

## 7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide additional housing in a sustainable location and on an allocated site; potential to enhance attractive and usable walking and cycling links; potential for the enhancement and protection of green infrastructure assets and biodiversity; provision of SuDS to mitigate for flooding for the existing and proposed housing; protection of designated heritage assets.
- 7.2 The negative impacts are the potential for detrimental impact on neighbour amenity, however, as layout, scale and appearance are reserved matters, it is considered that this impact can be assessed and addressed through the reserved matters submission.
- 7.3 On balance, as the proposed development is considered to be in accordance with adopted policy and meets the Key Development Requirements of this allocated site, and subject to the conditions below, it is recommended that outline planning permission be granted.

8 Conclusion

- 8.1 Recommend grant conditional outline planning permission subject to the prior signing of a Section 106 Agreement.

<b><u>Recommendation</u></b>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this outline permission.</p> <p><i>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>This outline permission relates to the Site Location Plan received by the Local Planning Authority on 03.12.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>Before any 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 scale, layout and external appearance of the dwellings;</li> <li>b) the means of access and parking provision within the site; and</li> <li>c) the landscaping treatment of the site.</li> </ul> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority.</i></p>
5.	<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</p>

	<p>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>- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.</li> <li>- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</li> </ul> <p><i>Reason: To ensure that the development does not increase the risk of flooding to the site or to flood risk off the site, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>No part of the development hereby approved shall commence until details of a management and maintenance scheme in respect of any SuDS on site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding to the site or to flood risk off the site, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</p>	<p>No part of the development hereby approved shall commence until details of an investigative survey of the site have been submitted to and approved in writing by the Local Planning Authority. The investigative survey must have regard for ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. Thereafter, no building pursuant to this permission shall be occupied or otherwise be 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</li> </ul>

	<p>from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interests of public health and safety, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
8.	<p>No part of the development hereby approved shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include measures to prevent the spread of any invasive species found on the site. The CEMP shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of ensuring that the development does not result in harm to the biodiversity value of the site, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>No part of the development hereby approved shall commence until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements, wildlife boxes, maintenance schedule, bat roost and bird nest boxes, and external lighting.</p> <p><i>Reason: In the interests of ensuring that a biodiversity gain can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<p>No part of the development hereby approved shall commence until cross sections through the site, including the existing dwellings adjacent, have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of residential amenity and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>No part of the development, including demolition, hereby approved shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>a) The parking of vehicles of site operatives and visitors</li> <li>b) Loading and unloading of plant and materials</li> <li>c) Storage of plant and materials used in the construction of the development</li> <li>d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> </ul>

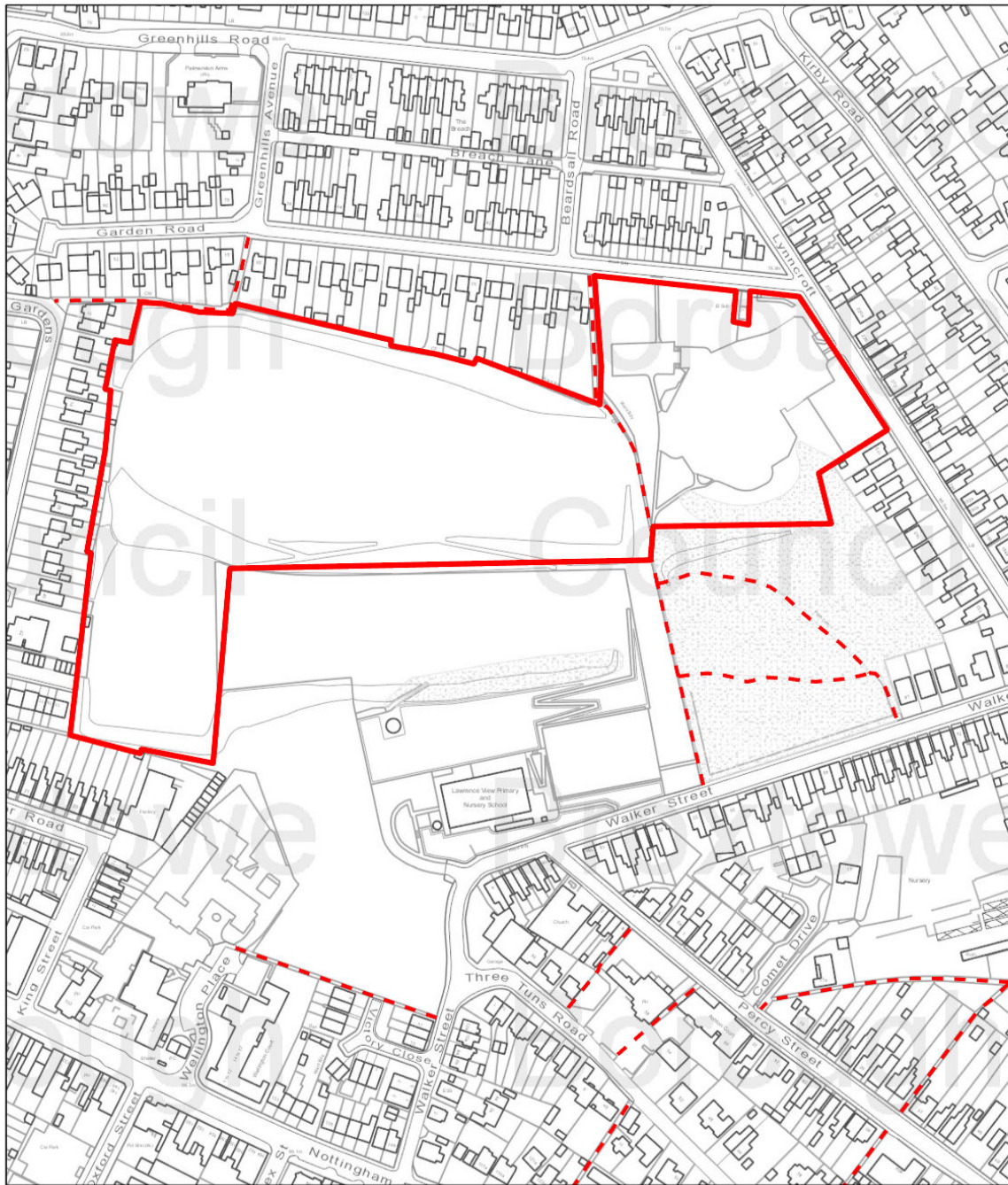
	<p>e) Wheel washing facilities  f) Measures to control the emission of dust and dirt during construction  g) A scheme for recycling/disposal of waste resulting from demolition and construction works  h) A risk assessment in relation to the railway</p> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>12.</p>	<p>No above ground works shall commence until details of Electric Vehicle Charging points including quantity and location have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of promoting the use of sustainable modes of transport in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>13.</p>	<p>No dwelling hereby approved shall be occupied until the access road and any communal parking / turning areas pertinent to that dwelling have been completed and made available for use.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>14.</p>	<p>No dwelling hereby approved shall be occupied until the boundary treatments and in curtilage parking pertinent to that dwelling have been provided.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>15.</p>	<p>The detailed drawings and particulars required under condition 4(c) shall include the following details:</p> <p>a) trees to be retained and measures for their protection during the course of development;  b) numbers, types, sizes and positions of proposed trees and shrubs;  c) proposed boundary treatments;  d) proposed hard surfacing treatment for all areas including all public Rights of Way;</p>



	<p>e) planting, seeding/turfing of other soft landscape areas; and  f) details of a management and maintenance scheme including a timetable for implementation of the scheme.</p> <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>16.</p>	<p>The development shall be carried out in accordance with the recommendations contained within the Ecological Impact Assessment dated November 2020, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of ensuring that a biodiversity gain can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>17.</p>	<p>The development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy dated 05.03.21, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding to the site or to flood risk off the site, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>18.</p>	<p>The development shall be carried out in accordance with the Travel Plan dated June 2021, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of promoting the use of sustainable modes of transport in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></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>Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.</b>
<b>3.</b>	<b>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</b>

Former Lynncroft Primary School, Garden Road, Eastwood, NG16 3FZ



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Public Rights of Way

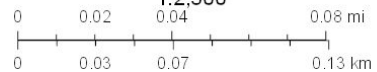
Byway open to all traffic

Bridleway

Footpath

Site

1:2,500



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Photographs



Existing entrance to former school buildings on Lynncroft



Existing entrance to the left, view looking down Lynncroft toward Garden Road



View along Lynncroft looking south east. Entrance to site on the centre right



Rear of properties on Garden Road to the north of the site



Rear of properties on Atherfield Gardens, to the west of the site



Area formerly occupied by the school buildings. Houses on Lynncroft, to the right, and Garden Road, to the left, beyond the site



View across the site from the east, looking toward Atherfield Gardens



View across the field looking south west. The steep bank separating the main site from the proposed open space can clearly be seen



Public right of Way through the site



The Canyons, photo taken from Walker Street

**Plans (not to scale)**



**Indicative site layout**