

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>21/00810/ROC</b>
<b>LOCATION:</b>	<b>Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ</b>
<b>PROPOSAL:</b>	<b>Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail and professional services, restaurants/cafes, drinking establishments, hot food takeaways-classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout</b>

Councillor R D MacRae has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This is a major planning application which seeks to vary condition 37 of 20/00116/FUL which relates to the house types, layout and landscaping of the scheme for the full part of the application. No changes are proposed to the outline element of the scheme and therefore this will not be considered within this application.
- 1.2 The site has changed in ownership from Westerman Homes Ltd to Peveril Homes following the completion of Phase 1 (15/00841/REM). Therefore, the changes will reflect the change in ownership between the two companies.
- 1.3 The main issues relate to whether the new house types reflect an acceptable design, if the new layout is an acceptable on design and highway grounds and if there are any other matters that need addressing in relation to these two matters.
- 1.4 To conclude, the benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes. The principle of the development has already been established through the original and hybrid applications on the site and the proposed amendments relate solely to the layout, design and landscaping within the site boundary.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

1.1 The proposed amendments to the house types are considered to not result in substantial changes to the previous house types. Due to the changes in house types, minor amendments have also been made to layout and minor amendments have been made to the south layout of the site as shown below. Amendments have also been made to the landscaping. The main road layout will stay as agreed in the previous application but smaller amendments have been made to side roads and parking spaces have been amended.

21/00810/ROC scheme (Red arrows show the change in road layout)



20/00116/FUL Hybrid scheme

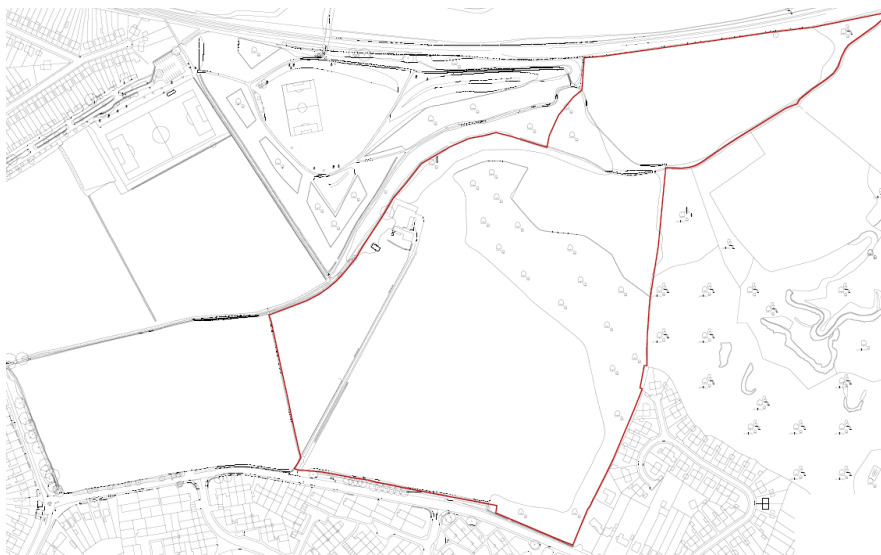


2 Site and surroundings

2.1 The larger site was allocated as a Sustainable Urban Extension (SUE) housing site for 450 dwellings in the Aligned Core Strategy (2014).



Extract taken from the Aligned Core Strategy (2014)



Site Location Plan (includes the whole site relating to 20/00116/FUL)

2.2 The site has an irregular shape with the full application site having an area of 5.59 hectares and the outline site, an area of 10.92 hectares. Ilkeston Road, with an adjoining hedgerow, forms the southern site boundary and a proposed public right of way forms the western site boundary with the immediately adjacent phase 1 development site. Boundary Brook, with vegetated banks, is located to the north of the full application site and to the north west of the outline site. A railway embankment adjoins the northern boundary of the outline site. There are sporadic trees adjacent the railway line and denser tree cover beside the south eastern and eastern boundaries of the outline site. A TPO woodland extends into the outline site from the eastern boundary adjacent to the northern section of Mayfield Drive towards Boundary Brook. Apart from this TPO woodland, the site is arable fields. The site is in Flood Zone 1.

2.3 Land slopes down across the site from the south and east towards the Boundary Brook, with steeper falls on the eastern side of the site. The north eastern part of the site rises up from the brook towards the northern site boundary with the railway located on an embankment between 2-5m higher than the adjacent part of the site. Ilkeston Road is located at a higher level than the site.

- 2.4 The site is located 1.6 kilometres north of Stapleford town centre. There is a bus stop to the south of the site on Ilkeston Road serving the number 18 route to Stapleford and Nottingham (every hour during the working day). A bus stop on Pasture Road to the south west of the site serves the my15 route running between Ilkeston and East Midlands Airport (every 15 minutes during the working day). The number 21 route running between Ilkeston and Nottingham (every hour during the working day) is served by a bus stop of Trowell Road to the west of the site.
- 2.5 Stapleford Hill Local Wildlife Site, Local Nature Reserve (LNR), Local Green Space (Prominent Area for Special Protection) and informal open space is located to the east of the site, with the Nottingham-Sheffield railway line to the north of the site and the Nottingham Canal LNR beyond which includes Swancar Bridge, a Grade II listed building. The canal is part of a Green Infrastructure Corridor and two such corridors run broadly east-west across the northern part of the application site. Pit Lane recreation ground (a nature reserve and informal open space), car park, football pitch and allotment gardens lie to the north and north west of the site, with housing on Trowell Grove beyond to the north west. Residential properties adjoin part of the eastern boundary on Mayfield Drive and Ilkeston Road, and opposite the southern site boundary on Ilkeston Road. The land beyond the northern site boundary (situated within the Green Belt) rises up towards the north and the land beyond the eastern site boundary rises up to the high point of Stapleford Hill, which is largely covered by woodland. Pit Lane recreation ground, which is predominantly open grassland with trees to the eastern side, is generally located at a higher level than the majority of the application site. Mayfield Drive rises from south to north to the east of the site.
- 2.6 There is a field adjacent to the north eastern section of the site which forms part of a housing site to the rear of Bramcote Crematorium, land west of Coventry Lane, which is allocated for 240 dwellings (outline application for smaller part of this allocated site received permission at Planning Committee in November 2020 subject to a Section 106 agreement which has yet to be signed). A mixture of dwelling types form the development in the immediate area including three storey flat blocks, detached, semi-detached and terraced housing and bungalows.

### 3 Relevant Planning History

- 3.1 Outline planning permission for up to up to 450 dwellings (with all matters reserved except for access) was granted on 4 November 2014 (reference 11/00758/OUT) in relation to the larger site. This followed a committee resolution to grant permission in April 2013. The Secretary of State then confirmed that the application would not be called-in for determination following the adoption of the Broxtowe Aligned Core Strategy in September 2014 which removed the site from the Green Belt.
- 3.2 A scheme for development of 450 dwellings on the larger site was considered by a Design Review Panel in September 2015. This panel comprised experts from the built environment sector, chaired by an architect, who provided impartial advice on the scheme presented. A site visit was undertaken by the panel and then a discussion was held by the panel with the Council and the developer. After the panel session was held, a letter containing the comments and recommendations of the panel was provided.

3.3 In April 2016, the reserved matters application for Phase 1 (15/00841/REM) was refused approval based on poor overall design quality and failure to create a distinctive place but was subsequently allowed on appeal (February 2017). This phase of development is currently being built out.

3.4 In July 2016, it was determined prior approval was not required to demolish the farmhouse and barn on the site (16/00422/DEM). These two buildings have since been demolished.

#### 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 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- 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 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 32: Developer Contributions
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##### 4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places

#### 5 Consultations

5.1 **Council’s Environmental Health Officer:** no objection.

5.2 **Council’s Business and Projects Manager (Environment):** the boundary fence detail for the open space needs to mirror that used on phase 1. The trip tail needs to be wooden bollards with a metal rail.

5.3 **Council’s Housing Strategy and Development Officer:** no further comments to advise on this application.

5.4 **Council’s Waste and Recycling Officer:** raise no objection and advise on bin requirements.

5.5 **Council’s Tree Officer:** no objection.

- 5.6 **Nottinghamshire County Council as Highways Authority:** raise no objection.
- 5.7 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** no objection.
- 5.8 **Nottinghamshire County Council Planning Policy:** no further comments to advise on this application.
- 5.9 **NHS Nottingham City Clinical Commissioning Group (CCG):** request a financial contribution of £173,400.00.
- 5.10 **NET:** no objection.
- 5.11 **Network Rail:** no objection.
- 5.12 **Highways England:** no objection.
- 5.13 **Nottinghamshire Wildlife Trust:** new Landscape Concept Plan shows there are some alterations in the landscaping. For example, on the original concept plan, the hedgerow in the north-west corner is mapped as a 'native hedgerow', whereas the new plan shows this hedgerow as a 'single-species hedgerow'. There also appears to be less tree planting on the new plans.

Concerned that the amended plans may result in a decrease in biodiversity value and therefore recommend that all landscaping/ planting plans are altered to mirror those of the original designs.

- 5.14 **Policy Architectural Liaison Officer:** no further comments to advise on this application.
- 5.15 **The Coal Authority:** no observations.
- 5.16 Severn Trent Water Ltd, the Environment Agency and NCC Rights of Way were all consulted but did not provide any comments.
- 5.17 47 neighbours were consulted on the application, 6 objections and 5 observations were received. Three site notices were displayed. The comments are summarised as follows:
- Design amendments should not be an attempt to reduce quality and longevity of building design
  - All materials and design should be of a high quality and energy efficiency to ensure it is as sustainable as possible
  - Concerns that less scrupulous developers may rush build and compromise building regulations that impact on climate crisis
  - All planning applications should be accompanied by a comprehensive Energy Statement which includes details on energy use and energy generation
  - The burden of improving efficiency & reducing energy costs should not be placed on the future tenants/residents
  - Colour of roof tiles should be considered

- More trees planted to provide buffer with existing woodland and to help with drainage
- Not enough parking as first phase shows cars parked on paths
- Ensure that healthy trees and hedgerows are not removed
- Request for a footpath link from the boundary path road near plot 94 across Boundary Brook to the paths of Pit Lane Recreation Area public park to be included
- Removal of trees along Ilkeston Road is not supported
- No requirement to remove trees or hedgerows
- Application should be refused as land is used for recreational purposes
- Do not require commercial or retail services on site when other services are within one mile of site.

## 6 Assessment

6.1 The main issues are considered to be the change in house types, the layout and landscaping.

### 6.2 **Principle**

6.2.1 The principle of development has already been established and this application proposes a variation of condition 37 of 20/00116/FUL which relates solely to the drawing conditions. The main changes proposed relate to house types, layout and landscaping. All changes are considered to be relatively minor considering the scale of the scheme. Furthermore, the changes proposed are considered to be acceptable which will be addressed in further detail below.

6.2.2 To conclude, this is a variation of condition application to condition 37 and therefore only relates to drawing conditions. The principle of development has already been established and no changes are proposed to the outline scheme, only the full element. The principle of the proposed amendments are therefore considered to be acceptable.

### 6.3 **Design and Layout**

6.3.1 The same number of affordable houses will be provided under this scheme (24), but their positioning has changed which is shown below by the plots labelled with dots and shown by the arrows for clarity. 10 per cent of the dwellings will be M4 (2) of Building Regulations compliant, in accordance with the requirements of Policy 15 of the P2LP. This means they will be accessible and adaptable dwellings. It is considered an appropriate mix of dwellings types has been proposed for Phase 2.

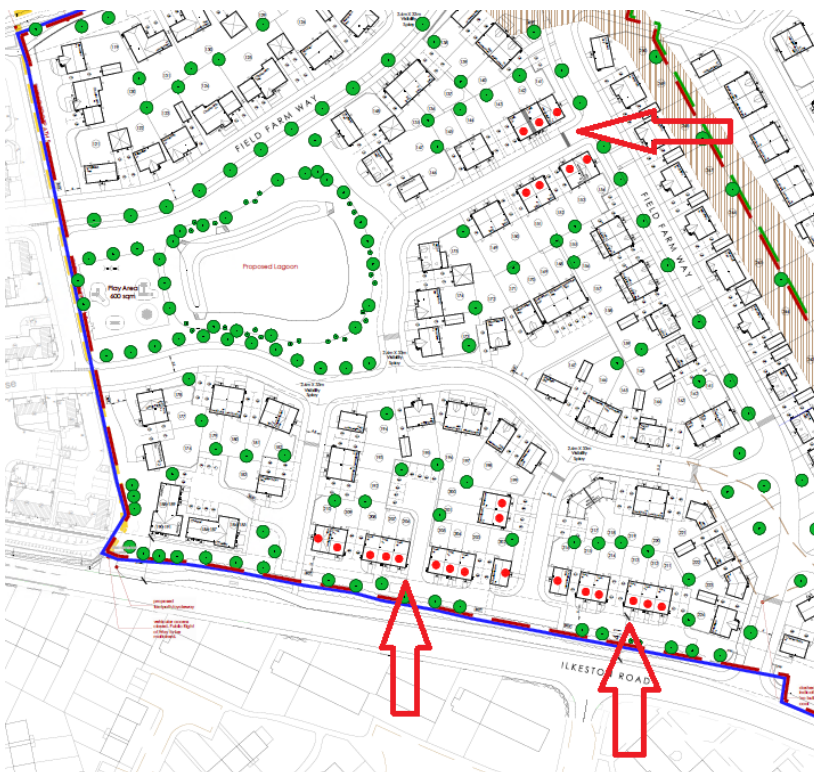
6.3.2 Whilst the position of the affordable housing has been amended, the Council's Housing Strategy and Development Officer has raised no objection to this and it is therefore considered to be acceptable.



21/00810/ROC (dots/arrows showing affordable housing position)



20/00116/FUL (dots/arrows showing affordable housing position)



6.3.3 The proposed dwellings will be a mix of two and three storey houses with either two, three, four and five bedroom houses and either detached or semi-detached. The style will largely reflect a traditional style with a mix of different roof styles such as gable, hipped and cat slide. An example of four house types are shown below.





Front Elevation

1: 100

House type: Willesley (detached)



Front Elevation

House type: Bardon (detached)



Front Elevation

1: 100

House type: Milford (semi-detached)



Front Elevation

1: 100

House type: Brassington (semi-detached)

6.3.4 The proposed pallet of materials will be a mixture of red/brown bricks, cream render and grey/anthracite/terracotta/red tiles depending on the design of the proposed dwelling. It is considered the proposed materials reflect an acceptable design and tie in with the proposed traditional style.

6.3.5 It is considered all the proposed house types reflect an acceptable level of design, are an acceptable height, scale and massing. It is considered they correspond to each other with a similar style but provide enough variation to create visual interest within the street scene with differing styles and materials.

6.3.6 The proposed layout will largely stay the same as the approved layout in the previous application, 20/00116/FUL; however the main amendments relate to the south west of the site (as shown by the diagrams in section 1.1). The affordable housing will be positioned in this corner and the layout has been amended from courtyard style parking at the rear of gardens to parking at the front of properties. It is considered this is a more practical approach as home owners are more likely

to park near the front of their properties, it also provides natural surveillance over vehicles and improves the relationship with rear gardens that they do not overlook a car park.

- 6.3.7 It is considered the amount of parking provided with the new house types and amended layout is acceptable and no concerns have been raised by the Highway Authority.
- 6.3.8 In regards to the change in landscaping, there are marginally less trees in rear gardens of properties due to the maintenance difficulties for future occupiers. It is considered the landscaping proposed is acceptable and no objection has been raised by the Council's Business and Projects Manager. The hedge has been amended back to a native hedgerow on request from the Nottinghamshire Wildlife Trust. Further details of landscaping will be required via the landscaping condition (condition 5).
- 6.3.9 To conclude, it is considered the proposed house types reflect an acceptable design and are appropriate in the context of the site and wider area. Only small amendments have been made to the layout in the south west corner of the site and it is considered a more practical approach for parking for future occupiers of these dwellings. It is considered the changes to the landscaping are relatively minor and a sufficient number of trees are still proposed.

#### **6.4 Amenity**

- 6.4.1 The site adjoins the phase 1 scheme (15/00841/REM) and it is considered the separation distance between the two schemes has already been established as being acceptable. Whilst the house types have changed, it is still considered the separation distances are acceptable and the layout itself has not significantly changed to what was previously agreed. It is considered the impact on the occupiers of phase one is acceptable.
- 6.4.2 Due to separation distance and buffer of vegetation, it is considered the properties to the south and south east of the site will not have an adverse impact on the amenity of the occupants along Ilkeston Road or Mayfield Drive.
- 6.4.3 The proposed dwellings are all considered to be of an acceptable size with an acceptable outlook from windows. All the houses will have front and rear gardens and there will be adequate landscaping surrounding properties. Due to the levels difference across the Phase 2 site, some plots will be located at a higher level than other plots, with the largest difference being in the region of 3.5m. Sections have been submitted to show that retaining walls will be used and details of these and boundary treatments will be conditioned to ensure appropriate levels of amenity are achieved for the proposed residents.

#### **6.5 Financial Contributions**

- 6.5.1 The level of financial contributions have been deliberated and decided during the determination of earlier applications and some of these contributions have already been paid, consequently these will not be revisited with this application. However, whilst this application essentially just updates the house types as this is a new

application, an addendum in line with the previous S106 will be sought to ensure that all the outstanding payments that were previously agreed are paid appropriately.

6.5.2 To clarify, the agreed contributions are as follows:

**Affordable housing:** 25% level of affordable housing (combination of on-site provision (80% rented and 20% shared ownership) and financial contributions).

**Open Space maintenance contribution:** A total open space maintenance contribution of £432,768.48 is required.

**Integrated Transport Contributions:** The integrated transport contribution of a maximum of £412,500.00 remain unchanged from the previous agreement, as does the off-site highway contribution (£343,000.00) towards improvement works to the junction of the Ilkeston Road/Hickings Lane roundabout. £142,334.02 has been paid to date.

**Education:** A contribution towards infant education provision of £485,000.00 and a Secondary Contribution of £624,987.00 are required.

6.5.3 To conclude, there are no changes to the financial contributions proposed as a result of this application and an addendum to the original S106 will be made to ensure that the contributions that are outstanding, are paid. This will be agreed with the Councils legal department and the agent's solicitor.

## 6.6 Other Matters

6.6.1 Although the proposed amendments relate to only the full element of the previous hybrid scheme (20/00116/FUL), the conditions will be repeated for the whole scheme. A number of conditions have been discharged which means they will be changed to compliance conditions to ensure they are carried out in accordance with the agreed, submitted details.

6.6.2 Whilst the Severn Trent Water Ltd, the Environment Agency and NCC Rights of Way were all consulted but did not provide any comments, it is considered the application is still acceptable to be determined based on the amendments relating to design, layout and landscaping only.

6.6.3 As this is an application to vary a condition that was considered under the previous validation requirements, and the principle of development is already established, it is considered unreasonable to request an Energy Statement as part of this application.

6.6.4 The trees outside of the red line plan to the south of the site along Ilkeston Road are owned by Nottinghamshire County Council as Highways Authority.

6.6.5 The principle of development, including the commercial and retain units on site, have already been established as acceptable.

6.6.6 This scheme proposes a path on the southern side of Boundary Brook but does not continue into the outline scheme which was previously proposed by the Westerman scheme. The approved scheme does not include an additional crossing over the brook to link with Phase 2 as the loss of biodiversity and trees would outweigh the benefits of having it. The distance between existing crossing and proposed crossing would have been 100m. The existing crossing over the brook will remain. It is considered the retention of the existing crossing over the brook is acceptable.



21/00810/ROC (footpath stops at side of cul-de-sac)



20/00116/FUL (footpath continues beyond cul-de-sac)

7 Planning Balance

7.1 The benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes and would be in accordance with policies contained within the

development plan. Whilst it is acknowledged there will be some impact on the landscaping this is outweighed by the benefits of the scheme e.g. the more practical layout of the parking for the affordable housing and acceptable design. On balance, it is considered the amendments are acceptable and the application should be approved.

**8 Conclusion**

8.1 To conclude, the benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes. The principle of the development has already been established through the original and hybrid applications on the site and the proposed amendments relate solely to the layout, design and landscaping, all of which are considered to be acceptable changes, with no objections from any consultees. It is considered the proposal is acceptable for the reasons set out above.

<b><u>Recommendation</u></b>	
<p><b>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</b></p> <p style="padding-left: 40px;"><b>(i) the prior completion of an agreement under section 106A of the Town &amp; Country Planning Act 1990</b></p> <p style="padding-left: 40px;"><b>(ii) the following conditions:</b></p>	
<b>1.</b>	<p><b><u>Conditions in respect of outline element</u></b></p> <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><b><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b></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><b><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b></p>
<b>3.</b>	<p><b>No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.</b></p> <p><b><i>Reason: To secure an orderly form of development.</i></b></p>



<p>4.</p>	<p>No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>(a) the layout, scale, and external appearance of all buildings;</li> <li>(b) the means of access and parking provision within the site;</li> <li>(c) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout of application 20/00116/FUL). These details shall be related to a known datum point;</li> <li>(d) landscaping.</li> </ul> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No development, including site clearance, shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;</li> <li>(b) numbers, types, sizes and positions of proposed trees and shrubs;</li> <li>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</li> <li>(d) planting, seeding/turfing of other soft landscape areas;</li> <li>(e) lighting details and</li> <li>(f) a timetable for implementation of the scheme.</li> </ul> <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before</i></p>

	<p><i>development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> <li>(a) site access for construction vehicles</li> <li>(b) the parking of vehicles of site operatives and visitors</li> <li>(c) loading and unloading of plant and materials</li> <li>(d) storage of plant and materials used in constructing the development</li> <li>(e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>(f) wheel washing facilities</li> <li>(g) measures to control the emission of dust and dirt during construction.</li> </ul> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of safeguarding bats and breeding</i></p>

	<p><i>birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting, visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, to protect residents from excessive transport noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority.</p> <p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>i) all appropriate measures for that building have been completed in accordance with details approved in writing by the local planning authority; and</li> </ul>

	<p>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020 and submitted with application ref: 20/00116/FUL), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following:</p> <p>(a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters;</p> <p>(b) Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;</p> <p>(c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;</p> <p>(d) a timetable for implementation; and</p> <p>(e) details of the responsibility for the future maintenance and management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under</p> <p>(d) and thereafter maintained in accordance with the agreed details for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i></p>
<p>12.</p>	<p>No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the</p>

	<p>agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
13.	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity, railway safety and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
14.	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 5 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</p> <p><i>Reason: To ensure the retained trees, including the TPO woodland, are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
15.	<p>The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
17.	<p>No fixed plant, machinery or equipment shall be installed within the site of the local centre until a noise report, including details of the acoustic specification of such fixed plant, machinery or</p>



	<p>equipment, has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development. The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest residential dwelling.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>18.</p>	<p>No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>The hereby permitted local centre shall have a total floorspace not exceeding 500 square metres.</p> <p><i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>20.</p>	<p>No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>21.</p>	<p><b><u>Conditions in respect of full element</u></b></p> <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>22.</p>	<p>The approved development shall be undertaken in accordance with the requirements of conditions 22, 23, 24, 25, 27, 28, 32, 38, 39, 42 and 44 of permission ref: 20/00116/FUL and in accordance with the details approved pursuant to them unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>23.</p>	<p>No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority on 18.8.20:</p> <ul style="list-style-type: none"> <li>• Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20) • Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C0140 Rev P01)</li> <li>• Microdrainage calculations (dated 6.8.20)</li> <li>• SUDS maintenance data sheet (reference 20156/SUDS/POND). The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development.</li> </ul> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).</i></p>
<p>24.</p>	<p>No retaining wall on any plot or beside the brook shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details. No development on Phase 3 shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the</i></p>

	<i>Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
25.	<p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <p>i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report ‘Remediation Method Statement’ (ref D29176 V1.1, dated June 2017); and</p> <p>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZXX-RP-C-001-P01), dated February 2020 (aligned with application ref: 20/00116/FUL) and thereafter maintained in accordance with the agreed details.</p> <p><i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
27.	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings and thereafter retained and maintained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i></p>
28.	<p>Prior to the first occupation of any dwelling constructed on the site:</p> <ul style="list-style-type: none"> <li>i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans;</li> <li>ii) the shared cycleway/footpath to Coventry Lane shall be completed as detailed in Appendix H of the Transport Assessment (dated 27 March 2020 submitted as part of application ref: 20/00116/FUL), or such other details as may first be agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to</li> </ul>

	<p>mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>29.</p>	<p>No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>30.</p>	<p><b><u>Conditions in respect of whole scheme</u></b></p> <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>Received by the Local Planning Authority on 28 September 2021:</p> <ul style="list-style-type: none"> <li>• P104 Rev C</li> <li>• P106</li> <li>• BL-01-EL</li> <li>• BL-01-PL</li> <li>• BL-02-EL</li> <li>• BL-02-PL</li> <li>• BL-03-EL</li> <li>• GT-01-PL</li> <li>• GT-02-PL</li> <li>• GT-03-PL</li> <li>• GT-04-PL</li> <li>• GT-05-PL</li> <li>• HT-Aa-EL Rev A</li> <li>• HT-Aa-PL Rev A</li> <li>• HT-A-EL Rev A</li> <li>• HT-A-PL Rev A</li> <li>• HT-C-EL</li> <li>• HT-C-PL</li> </ul>

- HT-D-EL
- HT-D-PL
- HT-E-EL Rev A
- HT-E-PL Rev A
- HT-F-PL
- HT-H-EL Rev A
- HT-H-PL Rev A
- HT-I-EL
- HT-I-PL
- HT-K-EL Rev A
- HT-K-PL Rev A
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- HT-Q-EL
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- HT-S-PL Rev A
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- HT-T-EL
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- HT-U-EL Rev A
- HT-U-PL Rev A
- HT-V-EL Rev A
- HT-V-PL Rev A
- HT-W-EL
- HT-W-PL
- HT-X-EL
- HT-X-PL
- HT-Y-PL
- HT-Z-EL
- HT-Z-PL
- FFSN-BSP-ZZ-XX-DR-C-0300 Rev P01
- P300
- P102

**Received by the Local Planning Authority on 12 November 2021:**

- HT-B-EL Rev B
- HT-B-PL Rev B

**Received by the Local Planning Authority on 16 November 2021:**

- BL-03-PL Rev A
- HT-S-EL Rev B
- HT-R-EL Rev A
- HT-P-EL Rev A



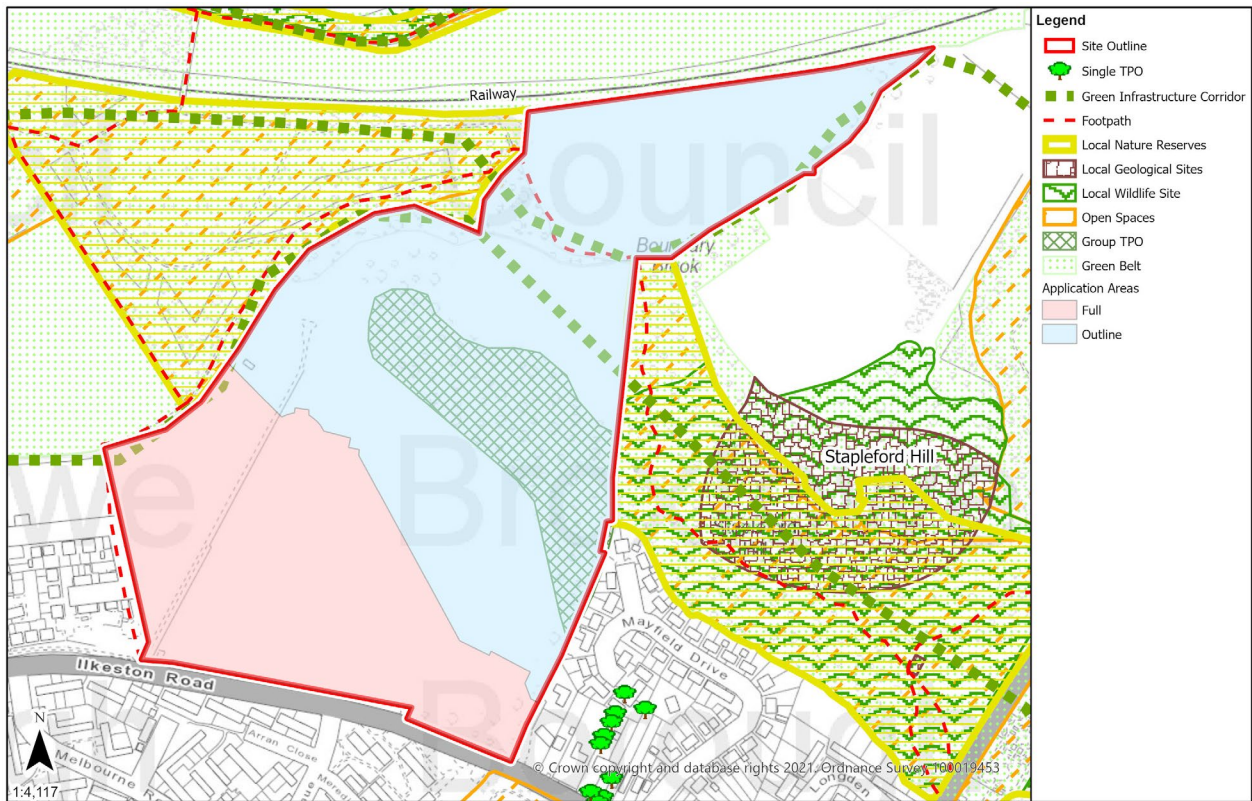
	<p>Received by the Local Planning Authority on 18 November 2021:</p> <ul style="list-style-type: none"> <li>• HT-F-EL Rev A</li> <li>• HT-Y-EL Rev A</li> </ul> <p>Received by the Local Planning Authority on 16 December 2021:</p> <ul style="list-style-type: none"> <li>• 01 Rev C</li> <li>• P103 Rev D</li> <li>• P104 Rev D</li> <li>• P105 Rev E</li> <li>• P100 Rev L</li> <li>• FFSN-BSP-ZZ-XX-DR-C-0215 Rev P02</li> </ul>
<p>31.</p>	<p>No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys.</p> <p><i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>32.</p>	<p>No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details.</p> <p><i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>33.</p>	<p>The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment &amp; Drainage Strategy dated 31 January 2020 and the finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Local Plan (2019).</i></p>

<p>34.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>35.</p>	<p>The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>36.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning</p>

	Act 1990, and reference should be made thereto.
3.	In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a>
4.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.</p>
5.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/the owner or occupier of the land.
6.	The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the

	Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.
7.	Any highway trees damaged/removed as a consequence of the offsite works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.
8.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9.	In relation to Condition 5, the local planning authority expects landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10.	The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11.	Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.
12.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: <a href="mailto:assetprotectionline@networkrail.co.uk">assetprotectionline@networkrail.co.uk</a>
13.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
14.	Whilst the description of the application refers to the local centre being for uses within Classes A1-A5, due to changes to the Town and Country Planning (Use Classes Order), which came into effect on 1 September 2020, the use of the centre will be for those within Class E, drinking establishments and hot food takeaways (sui generis) and will thereafter be limited to the permitted changes within these Classes.

**Map**



**Photos**



Site frontage from Ilkeston Road  
Towards TPO woodland and Stapleford Hill



Towards Ilkeston Road from site





Boundary Brook



Path towards north west TPO woodland



**Plans (not to scale)**



Site layout plan

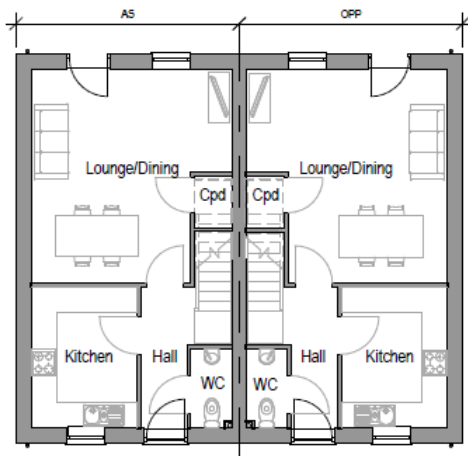


Proposed street scenes

**Plans (not to scale)**



Front Elevation  
1 : 100



Ground Floor Plan  
1 : 100



3D View

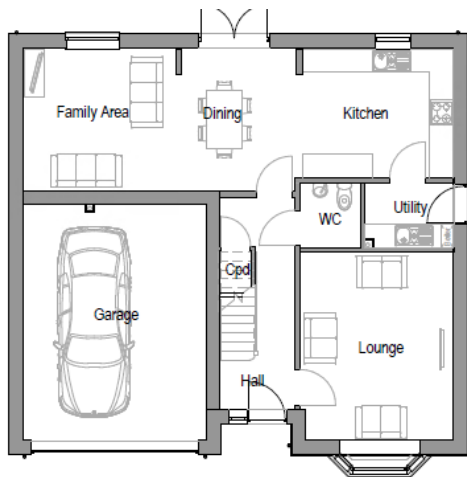
**Roliston house type**



Front Elevation  
1 : 100



**Plans (not to scale)**



Ground Floor Plan  
1: 100

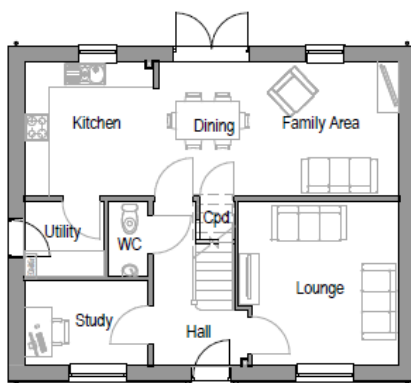


3D View

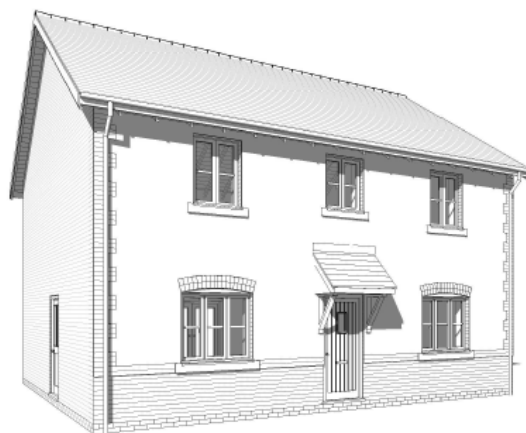
**Denby house type**



Front Elevation



Ground Floor  
1: 100



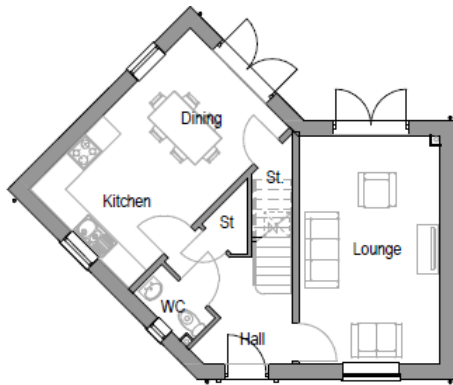
3D View

**Appleby house type**

**Plans (not to scale)**



Front Elevation  
1 : 100



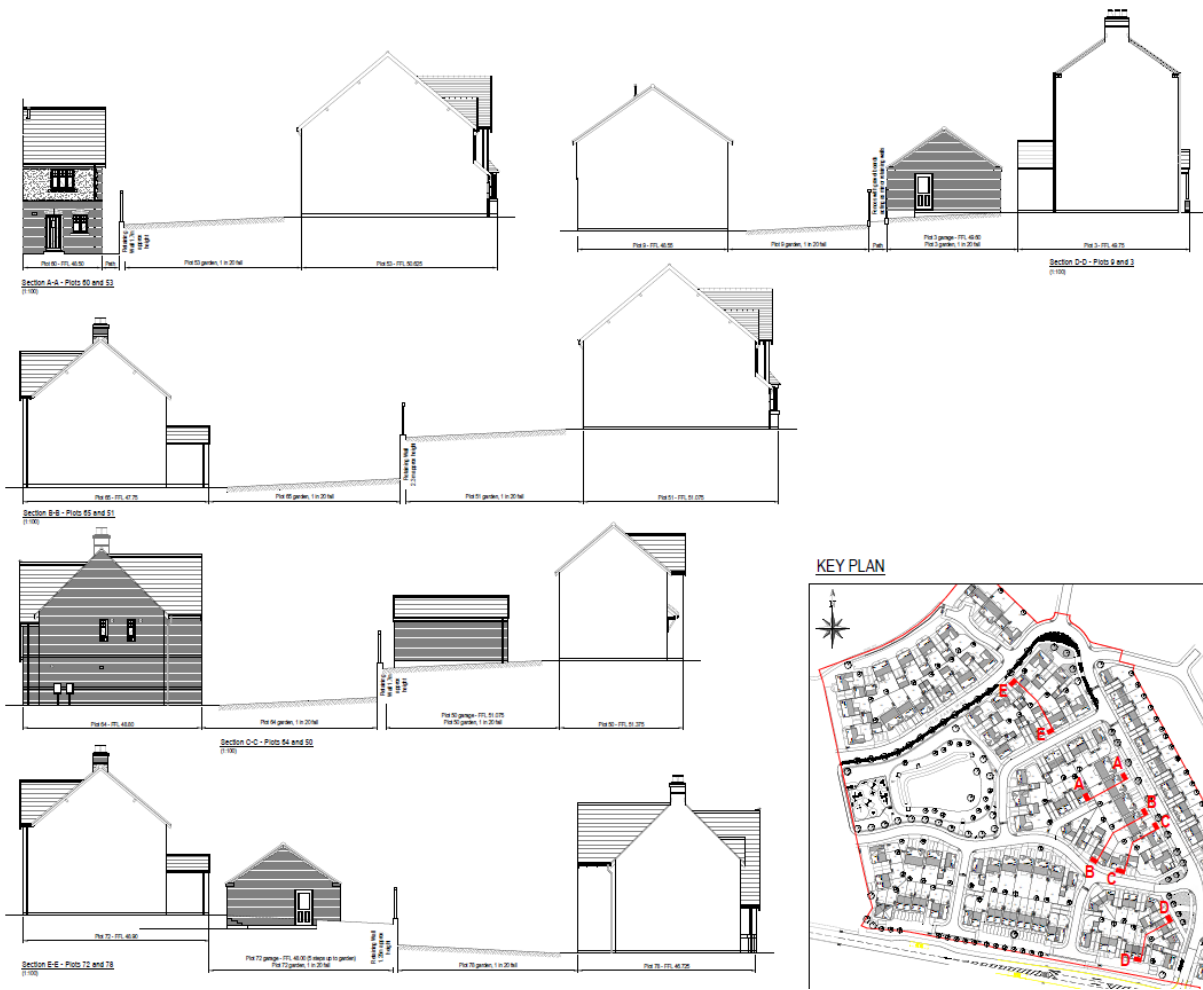
Ground Floor Plan  
1 : 100



3D View

Staunton house type

**Plans (not to scale)**



Sectional plans