

## 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>

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 5 January 2022 with a recommendation for approval (original report attached as appendix 2). Members deferred making a decision on the application due to concerns regarding the positioning of affordable units and landscaping, specifically trees in relation to their proximity to Ilkeston Road.
- 1.2 The agent has considered the issues raised by the Planning Committee and has made the following changes:
- Affordable units have been split into two areas of the scheme.
  - Additional trees to the south of the site and positioned so they are outside of the shadow of existing trees (outside of the red line on Ilkeston Road).
- 1.3 The applicant has amended the plans in line with the comments raised by Members and therefore it is considered the scheme is acceptable.
- 1.4 The Committee is therefore asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1.

APPENDIX 1

2. Details of the Application

2.1 The main concerns related to the affordable housing units being positioned altogether and the location of the trees. The plan below shows the changes to the positioning of the affordable units and trees next to Ilkeston Road in comparison to the originally proposed scheme.



Site Layout Plan (originally proposed January committee)



Site Layout Plan (newly proposed)

2.2 The trees along Ilkeston Road that are outside of the red line plan (on plan above circled red) are not within the control of the developer and could be potentially

removed by Nottinghamshire County Council as Highways Authority, and a S278 agreement has already been signed. Therefore, concerns were raised that with the potential loss of these trees, additional trees should be planted which are shown by the middle arrow on the plan above. These trees will be planted outside the shadow of the existing trees along Ilkeston Road, to enable better growth potential for these trees and retain existing coverage, if the highways trees are ultimately removed. Consequently, the proposed units immediately to the north of these trees have been realigned and moved back slightly to enable this. The planning authority has asked for additional trees to be planted alongside Ilkeston Road and in the south west corner of the site, but due to an existing water easement in this location, this is not possible.

2.3 Originally the affordable units (24) were in a one group to the south west of the site.

The updated plans split the distribution of affordable units as requested by Members at the last committee. The offer now consists of 18 affordable units in the south west corner of the site which is almost identical to the approved offer in the Westerman scheme (this offer was 17 units).

2.4 A further 8 affordable units have been located in the opposite south eastern corner of the site. This now results in 26 units of affordable accommodation overall with 22 units being social rent and the remaining 4 units being shared ownership. The affordable unit offer is compliant with the terms of the S106 which Members should note aligns with allowing affordable clusters of up to 30 units to be provided. Officers are satisfied with this arrangement, and indeed it is questionable if any smaller group of affordable housing (than the 8 proposed here) would actually be a viable option for management by a Registered Social Provider.

3 Conclusion

3.1 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.

**Recommendation**

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

**(i) the prior completion of an agreement under section 106A of the Town & Country Planning Act 1990**

**(ii) the following conditions:**

<b>1.</b>	<b><u>Conditions in respect of outline element</u></b>
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	<p>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.</p> <p><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></p>
<p>2.</p>	<p>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.</p> <p><i>Reason: To secure an orderly form of development.</i></p>
<p>3.</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>4.</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</li> </ul>

	<p>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;</p> <p>(b) numbers, types, sizes and positions of proposed trees and shrubs;</p> <p>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</p> <p>(d) planting, seeding/turfing of other soft landscape areas;</p> <p>(e) lighting details and</p> <p>(f) a timetable for implementation of the scheme.</p> <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 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>5.</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> <p>(a) site access for construction vehicles</p> <p>(b) the parking of vehicles of site operatives and visitors</p> <p>(c) loading and unloading of plant and materials</p> <p>(d) storage of plant and materials used in constructing the development</p> <p>(e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</p> <p>(f) wheel washing facilities</p> <p>(g) measures to control the emission of dust and dirt during construction.</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</i></p>

	<p><i>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>6.</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 birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</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>8.</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</i></p>

	<p><i>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>9.</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> <li>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.</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 public health and safety 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 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> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;</li> <li>(d) a timetable for implementation; and</li> <li>(e) details of the responsibility for the future maintenance and</li> </ul>



	<p>management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under</p> <p>(f) 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>
11.	<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 agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
12.	<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>
13.	<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>
14.	<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>
15.	<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>
16.	<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 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>
17.	<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>
18.	<p>The hereby permitted local centre shall have a total floorspace</p>

	<p>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>19.</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>20.</p>	<p><b><u>Conditions in respect of full element</u></b></p> <p>The approved development shall be undertaken in accordance with the requirements of conditions 21, 22, 23, 24, 25, 28, 32, 38, 39, 40, 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>21.</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>22.</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> </ul>

	<p>• 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.</p> <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>23.</p>	<p>No retaining wall on any plot shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>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 the outline phase 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 Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>24.</p>	<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>
<p>25.</p>	<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><b><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></b></p>
<p>26.</p>	<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><b><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></b></p>
<p>27.</p>	<p>Prior to the first occupation of the 32<sup>nd</sup> dwelling constructed on the site:</p> <p>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;</p> <p><b><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></b></p>
<p>28.</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><b><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></b></p>
<p>29.</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 14 April 2021:</p>

- 1905/19/21B

Received by the Local Planning Authority on 19 April 2021:

- 1905/19/26

Received by the Local Planning Authority on 28 September 2021:

- P104 Rev C
- P106
- BL-01-EL
- BL-01-PL
- BL-02-EL
- BL-02-PL
- BL-03-EL
- GT-01-PL
- GT-02-PL
- GT-03-PL
- GT-04-PL
- GT-05-PL
- HT-Aa-EL Rev A
- HT-Aa-PL Rev A
- HT-A-EL Rev A
- HT-A-PL Rev A
- HT-C-EL
- HT-C-PL
- 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
- HT-L-EL
- HT-L-PL
- HT-O-EL Rev A
- HT-O-PL Rev A
- HT-P-PL
- HT-Q-EL
- HT-Q-PL
- HT-R-PL
- HT-S-PL Rev A
- HT-S-PL
- HT-T-EL
- HT-T-PL

	<ul style="list-style-type: none"> <li>• HT-U-EL Rev A</li> <li>• HT-U-PL Rev A</li> <li>• HT-V-EL Rev A</li> <li>• HT-V-PL Rev A</li> <li>• HT-W-EL</li> <li>• HT-W-PL</li> <li>• HT-X-EL</li> <li>• HT-X-PL</li> <li>• HT-Y-PL</li> <li>• HT-Z-EL</li> <li>• HT-Z-PL</li> <li>• FFSN-BSP-ZZ-XX-DR-C-0300 Rev P01</li> <li>• P300</li> <li>• P102</li> </ul> <p>Received by the Local Planning Authority on 12 November 2021:</p> <ul style="list-style-type: none"> <li>• HT-B-EL Rev B</li> <li>• HT-B-PL Rev B</li> </ul> <p>Received by the Local Planning Authority on 16 November 2021:</p> <ul style="list-style-type: none"> <li>• BL-03-PL Rev A</li> <li>• HT-S-EL Rev B</li> <li>• HT-R-EL Rev A</li> <li>• HT-P-EL Rev A</li> </ul> <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>• P103 Rev D</li> <li>• P104 Rev D</li> <li>• P105 Rev E</li> <li>• FFSN-BSP-ZZ-XX-DR-C-0215 Rev P02</li> </ul> <p>Received by the Local Planning Authority on 12 January 2022:</p> <ul style="list-style-type: none"> <li>• P100 Rev M</li> <li>• 01 Rev E</li> </ul> <p><i>Reason: for the avoidance of doubt.</i></p>
<p>30.</p>	<p>No above ground works 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</p>

	<p>following details:</p> <p>(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;</p> <p>(b) numbers, types, sizes and positions of proposed trees and shrubs;</p> <p>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</p> <p>(d) planting, seeding/turfing of other soft landscape areas;</p> <p>(e) lighting details and</p> <p>(f) a timetable for implementation of the scheme.</p> <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 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>31.</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>32.</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</p>



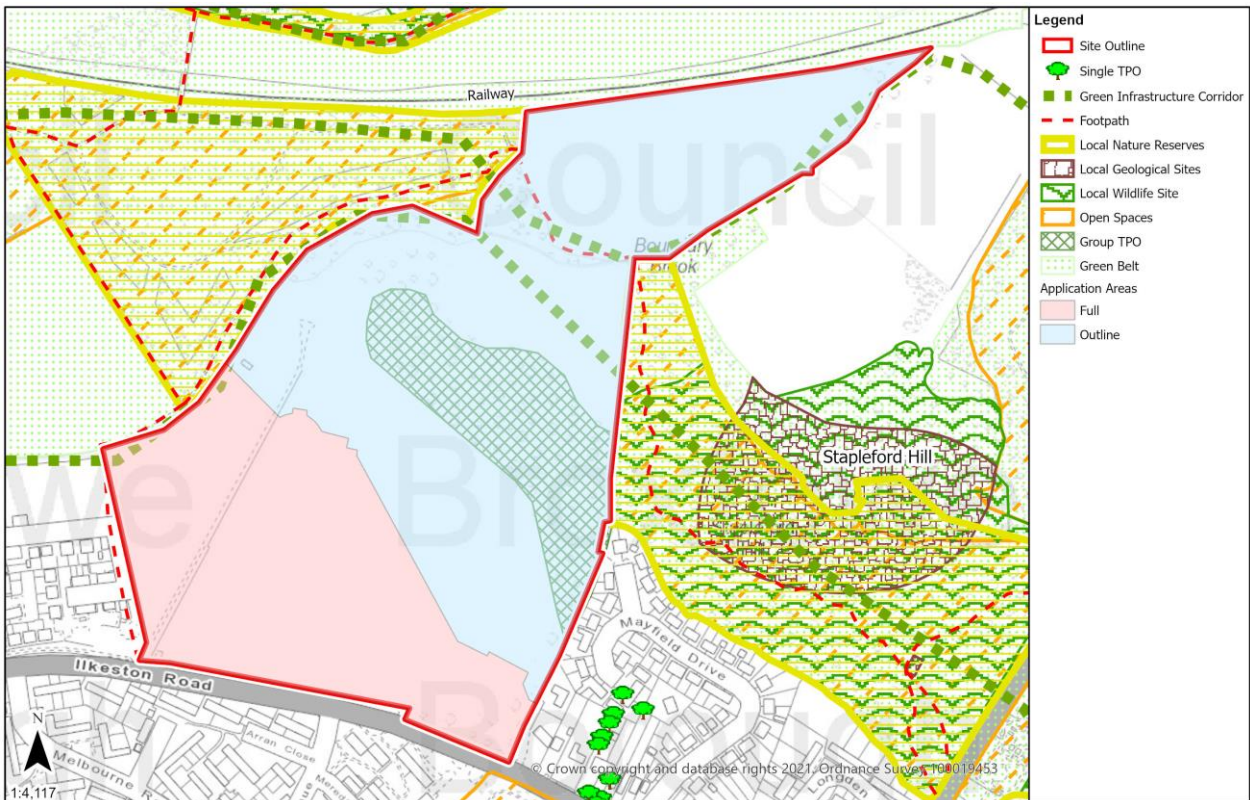
	<p>finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Local Plan (2019).</i></p>
<p>33.</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>34.</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>35.</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</i></p>

	<i>to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
	<b>NOTES TO APPLICANT</b>
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on <a href="mailto:hdc.south@nottscc.gov.uk">hdc.south@nottscc.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

	<p>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.</p>
6.	<p>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.</p>
7.	<p>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.</p>
8.	<p>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</p>
9.	<p>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.</p>
10.	<p>The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.</p>
11.	<p>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.</p>
12.	<p>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></p>
13.	<p>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</p>

	development will also be required.
14.	<p>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.</p>

**Map**



Photos



Site frontage from Ilkeston Road  
Towards TPO woodland and Stapleford Hill  
Towards Ilkeston Road from site







Boundary Brook  
woodland



Path towards north west TPO

**Plans (not to scale)**



Site layout plan

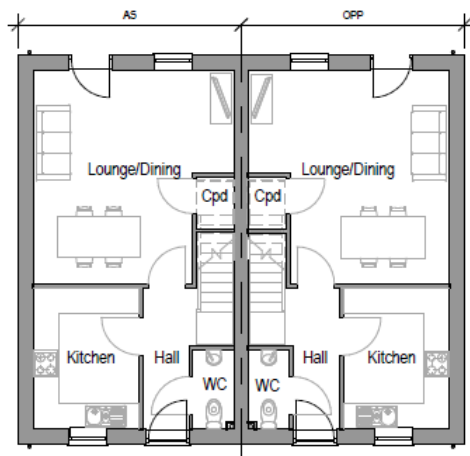




Proposed street scenes  
**Plans (not to scale)**



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

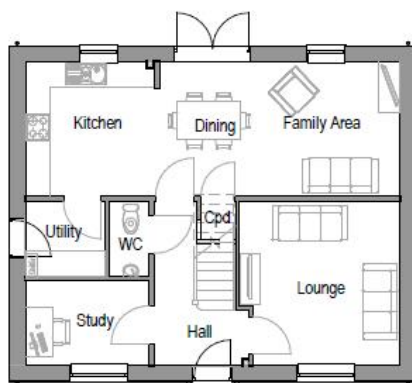


3D View

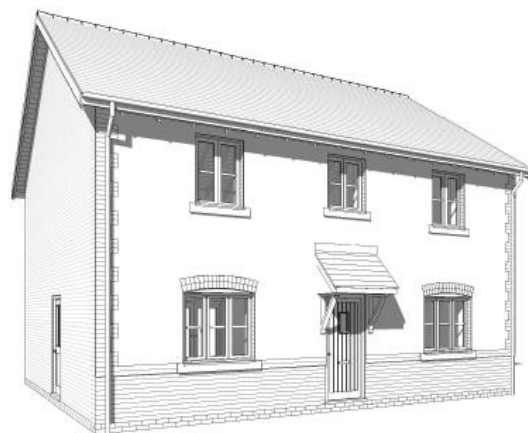
**Denby house type**



Front Elevation



Ground Floor  
1: 100



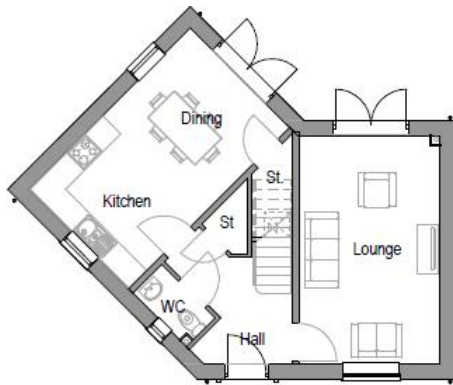
3D View

**Appleby house type**

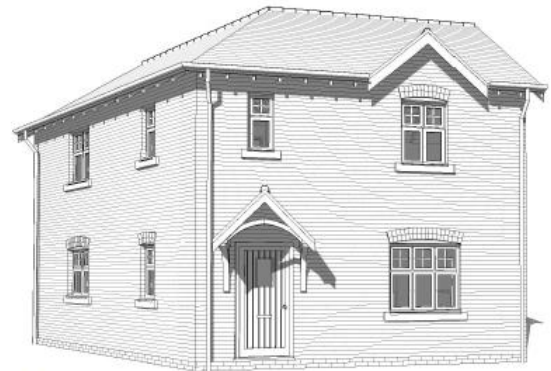
**Plans (not to scale)**



Front Elevation  
1 : 100



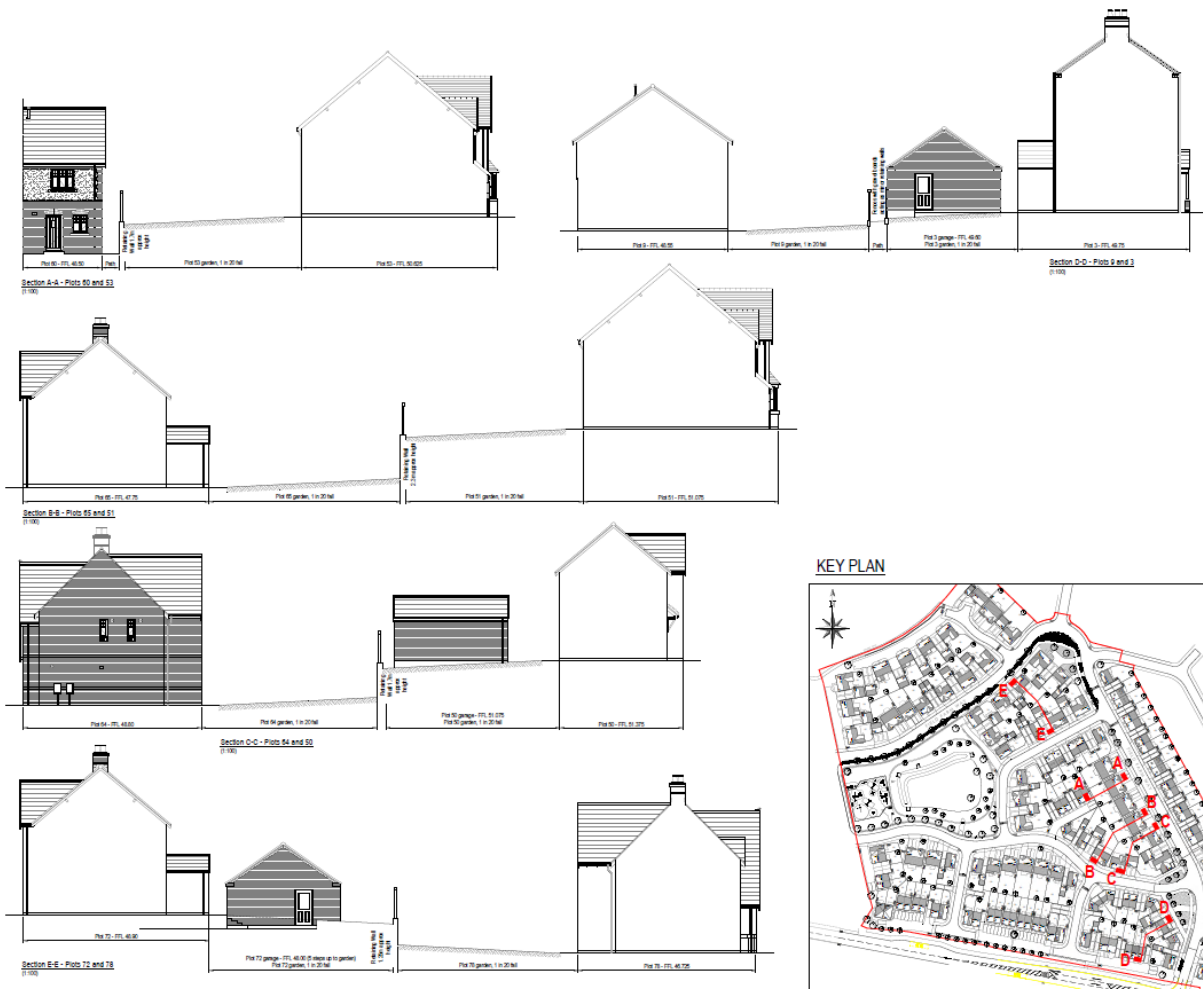
Ground Floor Plan  
1 : 100



3D View

Staunton house type

**Plans (not to scale)**



Sectional plans