

Report of the Chief Executive

APPLICATION NUMBER:	21/00555/FUL
LOCATION:	Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire, NG9 3GJ
PROPOSAL:	Demolition of existing buildings and erection of 60 dwellings including access and drainage infrastructure, substation and open space

This application is brought to the Committee as it is an allocated site and because of the size of the proposed development.

1 Executive Summary

- 1.1 This is a major planning application seeking full planning permission to construct 60 dwellings to the west of Coventry Lane. This site has been allocated for housing within the Part 2 Local Plan (2019) under Policy 3.4.
- 1.2 This allocated site has been split into two and is being managed by two different developers. An outline application (20/00352/OUT) with all matters reserved apart from access has been approved for up to 190 dwellings on the majority of the site. This application covers part of the wider allocation and relates to the top north east corner which is shown below.
- 1.3 As part of the application, a Health Impact Assessment, Arboricultural Assessment, Ecological Appraisal, Transport Assessment, Residential Travel Plan, Design and Access Statement, Planning Statement, Sustainability Assessment, Noise Assessment, Coal Mining Risk Assessment, Geoenvironmental Assessment, Preliminary Ground Investigation Report, Preliminary Ecological Appraisal and a Drainage Plan have been submitted.
- 1.4 The main issues relate to whether 60 dwellings on this site would be acceptable, if satisfactory means of access, additional connections and highway mitigation measures have been created, there is a sufficient buffer between the site and Bramcote Crematorium and Stapleford Hill, if enhanced Green Infrastructure corridors have been provided and there is an acceptable impact on neighbour amenity (all in line with Policy 3.4).
- 1.5 The benefits of the proposal would mean 60 additional homes within a sustainable, urban location with improvements to local infrastructure, on a site that has been allocated for housing. The proposed works would contribute to the local economy by providing jobs during the construction process. There would be some impact on neighbour amenity but this is considered to be outweighed by the benefits of the scheme.
- 1.6 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

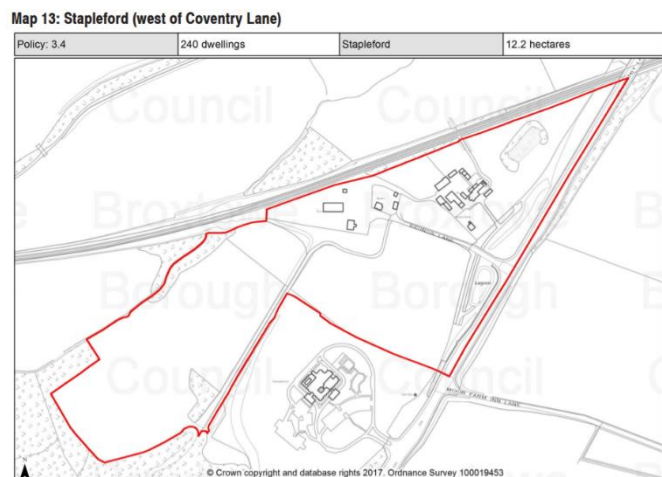
APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct 60 dwellings on a site to the west of Coventry Lane. This site has been allocated for housing within the Part 2 Local Plan (2019) under Policy 3.4.
- 1.2 Policy 3.4 of the Part 2 Local Plan (2019) refers to the whole allocated site and the ability to accommodate up to 240 houses. However, this application only refers to the north east corner of the allocation. A small section of land to the north west is included within the application site boundary but is separated by the railway line. A balancing pond is proposed within this section.



Site Location Plan (1:1250)



Wider allocation (Policy 3.4 of the P2LP 2019)

- 1.3 There is an existing access from Coventry Lane (Sidings Lane) which will be reconfigured with the inclusion of mitigation measures to Coventry Lane. The proposed changes are included within section 6.3 of this report.

2 Site and surroundings

- 2.1 The site is located to the north east of Stapleford District Centre and is situated in between Stapleford Hill (to the south), the railway line (to the north), Coventry Lane and Bramcote Crematorium to the east and the strategic Aligned Core Strategy allocation of Field Farm to the west. The wider allocation is mixed greenfield and brownfield and is used for equestrian, residential and as an engineering depot. The application site currently has farming and agricultural buildings and a pond surrounded by a small woodland. The entire allocated site is 12.2 hectares but the part of the site considered for development within this application is approximately 2.2 hectares.
- 2.2 The site is accessed from Sidings Lane, an industrial road, with a bell mouth junction connecting to the A6002, which leads to the A52 via the A6007 to the south and the A610 to Nottingham and M1 Junction 26, to the north. The site is approximately 4km from Ilkeston and Beeston (town centres) and 2k from Stapleford town centre. Nottingham city centre is approximately 8km east of the site.

- 2.3 Coventry Lane extends north-south over a distance of approximately 1.8km along the eastern boundary of the application site. To the north, Coventry Lane forms a signal-controlled junction with Bilborough Road, Nottingham Road, Trowell Road and Wollaton Vale. To the south, Coventry Lane forms a mini-roundabout with Ilkeston Road and beyond this, another mini-roundabout with Ilkeston Road and Hickings Lane.
- 2.4 The topography of the site is relatively flat. Land to the north and north west is Green Belt.
- 2.5 To the east of Coventry Lane is an allocated site for 500 dwellings which is largely greenfield and a former playing field associated with the adjacent school which has been unused for a number of years. No applications have been submitted for this site.

3 Relevant Planning History

- 3.1 An application for an extension to a dwelling (85/00263/FUL) was granted permission in June 1985.
- 3.2 An application for a brick garden shed (90/00381/FUL) was granted permission in June 1990.

4 Relevant Policies and Guidance

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

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

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

4.2 Part 2 Local Plan

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land

- Policy 22: Minerals
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a Sufficient Supply of Homes.
- Section 8 – Promoting Healthy and Safe Communities.
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.
- Section 15 – Conserving and Enhancing the Natural Environment.

5 Consultations

- 5.1 **Council's Business and Projects Manager (Environment):** The tree belt on the south/ east side is very important and have now identified this is adopted highway so will be the responsibility of Nottinghamshire County Council. Who will be responsible for the off-site newt pond and the onsite open space including the pond and attenuation basin?

Given the close proximity of the houses to the pond and attenuation basin there will be a requirement for fencing around these areas adjacent to the highway that is appropriate to the location.



- 5.2 **Council's Tree Officer:** The Oak trees around the pond hold the only merit. There are various trees marked with red dots that look old and more recent green dots which are presumed to be removed from that section of the site. I have no objections to the removal but at the time of my visit it was noticed a couple of the Oaks that were not marked would benefit from a further inspection as there was decay present in the trunks which appears quite extensive. It is suggested that an inspection and remedial works prior to commencement of the development.

Raise no objection to the development, the trees around the pond between the last pot and the railway line will need pruning works to lift the canopy if that plot is left in that location.

5.3 Council's Housing Strategy and Development Officer:

First Response:

- In terms of the area, the site is referred to from the housing demand/need in Beeston sub area given this site is to the West of Coventry Lane more Beeston than Stapleford. The affordable mix aligns with the Hearn Report on Social and Affordable Housing Need for Beeston in terms of longer term housing need and the current demand on the housing register in this area and considering other developments/resignation proposals in the locality. In terms of the home ownership/ affordable rent split 2/3 rented (12) and 1/3 (6) shared ownership, the preference would be for 6 of the shared ownership to be 2 bedroom properties and the others affordable rent. The proposed market housing mix mostly aligns with the Hearn Report for Beeston 56% 3 bedrooms and 20% for 4+bedrooms.

Second Response:

- Accept the proposed split by the developer, which amended the division of the number of bedrooms within the shared ownership properties.

5.4 Council's Environmental Health Officer: no objections subject to the following conditions/ recommendations:

First Response:

- Contamination: reports (Coal Mining Risk Assessment and GeoEnvironmental Assessment) have identified several sources of potential contamination as a result of former use and proximity to former landfills. Do not object to principle of remediation measures but further sampling in the footprints of the existing buildings is required. A full remediation strategy will be required once all the site investigation has been completed.
- Recommend conditions in respect of providing an investigative survey in relation to contaminated land, a remediation strategy based on the outcomes of the survey, a verification plan to demonstrate works have been carried out accordingly within the remediation strategy.
- Noise: the results obtained within the report (Noise Risk Assessment & Acoustic Design Statement) were during Tier 3 coronavirus restrictions and therefore could be lower based on reduce rail and road movements. Concerns in regards to a lack of modelling, not clear which properties are unable to meet desired outdoor amenity standards, what the result levels are likely to be or how the specific properties have been selected with the respect to the proposed mitigation. None or limited information submitted in regards to rail movements and impact on properties backing onto railway and impact from vibration of rail movements.
- Noise assessment should demonstrate a hot weather scenario with windows open and the design of properties may need to be altered to account for the best practice acoustic environment.

- Noise levels reported appear high and there is insufficient detail to clarify how the conclusions of the report have been reached. Therefore, more information is required before a sound insulation scheme can be approved. It is noted that an acoustic fence has been provided for the wider development close to the railway but no such mitigation has been proposed for this development.
- Recommend conditions in respect of providing a scheme for protection from noise and vibration from railway lines and noise from the road traffic and a sound insulation scheme.
- Construction Management Plan: a construction environmental management plan should be implemented that ensures that all dust, odour and noise is managed throughout the development due to the size of development and proximity to crematorium and consideration for local residents. Recommend a condition in respect of providing a Construction and Environmental Management Plan which should be kept under regular review.
- Air Quality: it is not considered necessary to provide an air quality assessment for this development but note that a sustainability assessment has been submitted which details a number of measures that could impact air quality including a number of electric vehicle charging points and provision of a travel plan. Welcome this inclusion and request that the provisions are included within a granted permission.
- Advisories: in respect of working hours on site and prohibiting burning commercial waste.

Second Response:

- Welcome additional clarification in respect of the Remediation Method Statement by GeoRisk Management but precommencement conditions as advised should remain given the existing buildings on site have yet to be demolished.

Third Response:

- Work could start on the northern side of the site if necessary but it would be logistically very difficult to demolish and do site clearance works at the same time as remediation and other works were ongoing on the southern side of the site. If the phasing plan was relatively simple and splits the site so that there is clear demarcation of works, that could be a way forward.
- In terms of the remediation and clean cover proposed, the consultant has stated that only 300mm topsoil will be required in the front gardens whilst 600mm will be used in the rear gardens. Generally, it is considered that the same depth of cover should be used within both front and rear gardens if the intention is to break a pollutant linkage. If the frontages of the houses are mainly hardstanding and used for parking with minimal soft landscaping, a reduced capping system may be appropriate, however, this does not appear to be the case for all the houses on this development. Additional clarification is required for this prior to agreeing to the proposed depths
- In addition, the consultant may wish to review the ground gas risk assessment in light of the newly published guidance Good Practice For Risk Assessment for Coal Mine Gas Emissions (Oct 2021) to confirm their gas risk assessment.

Fourth Response:

- Further to the addendum, the following still remains outstanding: no further information has been provided in terms of which properties will not be able to achieve the external amenity level.
- A robust overheating assessment should be carried out to support the acoustic design of this development. Alternatively, a more robust ventilation system than trickle vents should be considered
- Recommendations for conditions remain the same

Fifth Response:

- The report now includes modelling results that provide further clarification of the internal and external levels predicted for the development
- 1.8m high fence is proposed for gardens facing railway but no details of specifications of fence are included in the report
- Railway is 2m above the garden level so the 1.8m high fence will offer little protection and the gardens are 10m from the centre of the railway
- Access point over the railway should be addressed in terms of boundary treatment and impact
- No additional information has been provided within the acoustic design in regards to the conflict residents choosing between thermal comfort in winter and an acceptable level of noise
- The Noise Assessment provided in the 20/00352/OUT application stated there may be difficulties achieving suitable noise levels from the road and railway line particularly for properties within the north eastern corner of the site
- A barrier of between 5-5.5m was proposed for properties closest to the railway and a 2.4m barrier on the side directly facing the road
- Enhanced glazing requirements were recommending for first floor dwellings
- No barrier or enhanced glazing has been proposed with the current noise mitigation scheme
- The mitigation measures proposed within the two noise reports submitted with this application are considered to be significantly less robust than the 20/00352/OUT application
- Concerns in relation to layout of houses having a direct line of sight of railway or road
- Recommend conditions in respect of a noise and vibration scheme and sound insulation scheme are submitted to alleviate concerns raised.

Sixth response:

- Additional information provided from previous concerns raised is considered to be addressed subject to mitigation measures being conditioned
- All other conditions in respect of contamination and construction management are still as previously advised.

5.5 Council's Waste and Recycling Officer: advise bin requirements.

5.6 Nottinghamshire County Council as Highways Authority:

There were two large responses from the Highways Authority on this scheme and a meeting between the applicants, Highways Authority and the Planning Authority. Ultimately the Highways Authority do not object to this development, though they initially objected due to the failure to provide a Toucan Crossing.

First Response:

- The application site features within Broxtowe Borough Council's Part 2 Local Plan as part of a wider allocation for up to 240 dwellings (Policy 3.4), and is currently being considered alongside application reference 20/00352/OUT for the remaining 190 units (site B).
- Drawing SK03 Revision B shows the existing vehicular crossing on Sidings Lane will be upgraded to a 5.5m wide carriageway with 2.0m wide footways on both sides. The arrangement is shown in context of the right turn ghost island on Coventry Lane whose road alignment on the approach to the junction has been altered from that which has already been agreed to serve site B
- It is understood the revised details are made on the assumption that the applicant's site will come forward before site B is progressed. This is not necessarily the case, and could result in a situation whereby both developers are trying to implement two separate sets of highway works at the same time. The layout should therefore be amended to reflect the agreed details
- Whilst the principle of the right turn ghost island to reach the site is acceptable, it should be pointed out the junction will be fully upgraded with signals once Policy 3.3 (500 dwellings on the east side of Coventry Lane) comes forward. When the junction has been reconfigured and the "stop lines" introduced, there is a concern that drivers waiting to exit the lights on Sidings Lane may queue across the proposed site access and prevent other right turners from completing their turning manoeuvres into the site
- The purpose of the A6002 Coventry Lane as a primary distributor road and relief route for the M1 is such that drivers progressing towards the signals may not anticipate queuing traffic backing onto the major route, particularly if the signals are "on green" to the detriment of safety. The likelihood of collisions is further exacerbated by the fact Sidings Lane will become a bus route and so the propensity for traffic to queue back onto Coventry Lane is increased
- In order to resolve this issue, it has been suggested that "Keep Clear" marking will be introduced across the site access to reduce the likelihood of it being blocked. Such markings are usually provided along busy distributor roads to maintain the free flow of traffic. On this occasion, the markings will be laid on a residential side road where their presence is likely to be ignored because their necessity will only be apparent in the AM peak, and where no enforcement is likely to be undertaken
- There is a requirement for both Policy 3.3 and 3.4 to be accessed from a single junction that serves both allocations. Upgrading the existing vehicular crossing contradicts this requirement by providing a second point of access directly from the public highway into the site which on this occasion actually creates a safety issue. It is said the proposed arrangement has been put forward because of land constraints which clearly is not the case, as provision has been made by the developer of site B to form an access into the site from their own land (drawing 2019-613-10E, Concept Plan). The safety concerns we have raised do not prevent the whole allocation from being built, but does rely on the co-operation of all parties to deliver.

- Policy 3.4 also requires the implementation of speed reduction measures along Coventry Lane. The Highway Authority in consultation with the landowner of site B has already agreed a scheme in principle to address this matter which includes alterations to the carriageway markings, and a reduction of the 50mph speed limit to 40mph. The drawing submitted by the applicant does not reflect the agreed details. There is however a fundamental difference between the two plans which relates to the provision of a Toucan crossing. This was secured on the basis that altering the carriageway markings and reducing the speed limit were not sufficient on their own merits to make it safe for pedestrians to cross the carriageway, many of whom will be vulnerable road users on their way to school. This point remains whether it be for 190 units or 60 units. The Toucan crossing does not feature in the applicant's access strategy but has instead been replaced with an uncontrolled crossing towards Sidings Lane. This is not suitable when considering the speed and volume of passing traffic, and so it is unclear as to how the policy requirement for safe pedestrian/cycling routes has actually been provided. Furthermore, it will be superseded by the signalised junction so is a waste of resources
- Would question the sustainability credentials of the site as a standalone entity which will result in public transport users having to walk c.1km to reach the nearest bus-stop. The maximum walking distance prescribed by the Chartered Institution of Highways and Transportation in their 2018 document entitled "Buses in Urban Developments" is 500m. With this in mind, it is not understood why upgrading the pedestrian refuge on Coventry Lane will help facilitate public transport patronage which adds further weight to its removal. The road layout for site B will be constructed to allow buses into the site and so it seems reasonable to progress this rather than implement abortive works
- Various other more minor points are raised specifically about the internal layout.
- There are a number of new trees whose root protection areas extend into land that will form part of the public highway. The roots have the ability to damage any future road construction and so they will need to be repositioned accordingly
- The Highway Authority is satisfied with the modelling results which shows the additional 10 dwellings does not materially change the capacity of the Coventry Lane/Sidings Lane junction
- Travel Plan: several amendments are advised in regards to the travel plan, some of which include but not exclusive to: committing to a 3-year review, annual monitoring reports, promotion of NCC's car sharing scheme, newsletters for travel changes, personalised journey planning, site noticeboards in a prominent location and taster bus tickets.

Second Response:

- With regards to layout, the turning head fronting plot 11 should ideally have a 2m wide footway wrapped around it. However, desire lines are such that this section of highway is unlikely to receive any significant use by pedestrians and so the principle of a margin is acceptable on the proviso it measures 0.75m wide on all sides of the head.
- Any cul-de sac in excess of 20 metres requires a turning head, therefore the cul-de-sac serving plots 9-22 this is unacceptable as it is in excess of 55metres to the start of the private drive. The turning facility should be appropriate for vehicles to turn i.e refuse/recycling wagon.

- The current adopted design states that the extra 0.5m is required for bin storage, the bin storage is acceptable
- Accepted that landscaping plan will be provided to address concerns in relation to root protection areas that extend onto land forming a public highway
- In regards to the site not providing a toucan crossing: As a result of this application, 60 dwellings forms the north-eastern triangle of a wider allocation in the Council's plan under Policy 3.4 "*Stapleford, (west of Coventry Lane)*" for 240 homes: The highway authority, requested that a toucan crossing be constructed on Coventry Lane near Moor Farm Inn Lane. The site to the south (20/00352/OUT), which is also part of the same housing allocation circa 190 dwellings has an outline planning permission with access arrangements determined and is subject to a S106 agreement which is not signed yet.
- Any development in this location will need a speed limit change to 40mph. It is considered safer to provide the toucan crossing for pedestrians of the Keepmoat site, based on the type and nature of Coventry Lane and the possible destinations that residents/users of the highway may wish to access. A central crossing facility on a semi-rural road where there is no frontage development and very little junctions where vehicles will slow down and make a turning manoeuvre does not encourage sustainability or appear safe for non-motorised users particularly vulnerable pedestrians
- Not providing a toucan crossing raises the following concerns: site is effectively landlocked by the railway line so all pedestrians would have to use Coventry Lane to go anywhere so a higher proportion than normal of the generated foot and cycle traffic will need to cross it, Coventry Lane was original design as a distributor for use by motorised traffic and so is wide and essentially rural and traffic speeds are a lot higher than in an urban environment, speed reducing measures proposed can reduce speed but at the north end of Coventry Lane the existing 30mph is largely ignored. All of this suggests that pedestrians will have a challenging task crossing the road unaided, particularly for children and people with disabilities
- Existing lack of development means that there are few accidents near the site to realistically inform our safety assessment, so existing accident levels are not conclusive
- Where speeds are well controlled so that a road can be said to be properly urban, it may be more acceptable for people to cross unaided, even though people who are disabled, or children, for example, may sometimes struggle to gauge the speed of oncoming traffic. This is because even if a pedestrian misjudges the situation, the speed of vehicles is such that a driver can take appropriate action, and even if the worst happens the injuries sustained may be less serious. Where speeds are in the region of 40mph or more, pedestrians need more assistance. Not only are traffic speeds more difficult to judge, but severity of injury increases dramatically
- The proposed visual narrowing using edge lines may have some limited effect but with a starting point of around 50mph on a 10m 'Wide Single' carriageway it is difficult to envisage speeds becoming in any way "urban"
- Physically narrowing road has been found to be somewhat effective but is considered to not be demonstrated sufficiently or appropriate to this scheme
- The Highway Authority cannot recommend refusal of the development including the toucan crossing as a severe residual cumulative impact on the road network but are concerned purely from a highway safety point of view regarding the possible accidents that may occur involving pedestrians and non-motorised users in the vicinity of the development. It would be desirable to have the toucan installed but

not necessary in Planning terms under the NPPF. Therefore, a central crossing refuge as indicated on drawing reference Site Access Arrangement Option 2 (Sheet1 of 3) T21029 SK03 REV C is acceptable.

- Sidings Lane Access Arrangement: Policy 3.4 of the P2LP (2019) states “*Vehicular access to the site shall only be via Coventry Lane and should be via a single junction which serves both allocations Policy 3.3 (east of Coventry Lane Bramcote) and Policy 3.4 (west of Coventry Lane Stapleford).*”
- Accept the proposed access arrangements due to the policy and physical constraints of the site and therefore willing to accept a road width of 6.75m with two number 2m wide footways on the main access along Sidings Lane. This will need to be shown on a revised plan for approval.
- Proximity of new development junction: Further to the Future signalised Access Drawing ref M028-DDS-XX-DR- C- SK15 to indicate the location of the new access to the development in relation to the future traffic signal junction, it is confirmed that its proximity to the future junction arrangement together with any queuing that may occur at peak times is acceptable to our Traffic Signals team. The usual Safety Audits will need to be undertaken as and when necessary. The Highway Authority’s Road Safety colleagues have stated that, in principle the junction arrangements and locations are satisfactory.

Third Response:

- Previous comments have now been addressed. The tracking drawings show that a refuse/recycling vehicle can now manoeuvre within the cul-de-sac where the sub-station is located. It should be noted that a maintenance margin is still required around the turning head
- The area shown as right of access is required to accommodate the road/footway layout to the future development to the south of Sidings Lane and will need to be constructed to an agreed highway standard
- The red line boundary should include all areas of highway that will require construction works or lining and can be agreed at the technical appraisal stage of the works
- Site access arrangement indicative drawing should include works required for the junction to accommodate the access arrangements to the development.

5.7 **Nottingham County Council (Viaem)**: no objection.

5.8 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA)**: no objection.

5.9 **NHS Nottingham City Clinical Commissioning Group (CCG)**: has made a health contribution request for £32,512.50 for primary health care.

5.10 **Network Rail**:

First Response:

- Concerns in relation to proximity of site to a railway level crossing and the proposed drainage scheme

- The proposed attenuation basin is too close to the railway boundary. Additionally, there is a culvert under the railway associated with the water course and it is unclear if the functionality of this would have any bearing on the drainage scheme proposed
- The proposed scheme is adjacent to Moor Farm User Worked Crossing and is a private crossing for use by the authorised user only and does not support a public right of way. Accept that residents access will be blocked by a brick wall and gate, subject to it being a suitable standard and having an appropriate locking mechanism. The crossing of construction vehicles in association with the development of the newt pond to the north which should be agreed with Network Rail in advance of works commencing.
- Advise a conditions in respect of providing a construction methodology statement, surface water drainage strategy, boundary treatments, landscaping and lighting.
- Advisories in respect of fail safe use of crane and plant operations, excavations/earthworks, security of mutual boundaries, demolition, vibro-impact machinery, abnormal loads, two metre boundaries, encroachment and access to railway.

Second Response:

- Further to additional information provided, content for a condition outlining that works on the newt pond can only take place once Network Rail has been informed.
- Remaining conditions as previously advised still stand.

5.11 **Environment Agency:** no objection subject to a condition requiring works to stop if any contamination is found and a remediation strategy being submitted to outline how this will be dealt with.

5.12 **Coal Authority:** the application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the planning application. Permission is required from the Coal Authority Permit and Licensing Team before undertaking any remedial works that will disturb Coal Authority property. Advise conditions in respect of remedial stabilisation works to address land instability arising from shallow coal mining legacy and provide a signed statement to the LPA to confirm the site is safe and stable, completion of remedial works and any mitigation measures necessary to address the risks posed by past coal mining activity.

5.13 **Severn Trent Water:** A Section 106 sewer connection approval will be required for foul waste to connect into the public foul water sewerage.

5.14 **Nottinghamshire Wildlife Trust:**

First Response:

- Preliminary Ecological Appraisal Report: ecology report produced to a good standard; however, expect that an assessment in the final Ecological Impact Assessment (EIA) of potential impacts to increased footfall, dust, vibration, light pollution, pesticide / herbicide spray

- Concerned that the development will result in negative impacts to biodiversity and do not feel the proposal demonstrates a net gain in biodiversity
- Suggest the use of a biodiversity metric as a pragmatic way to calculate the biodiversity impact of the proposal
- Great Crested Newt (GCN) Survey: question why the road is considered a barrier to dispersal but the railway is not especially given that GCN's are nocturnal and the road will be less busy at night. Furthermore, both sides of the road have linear features/ wildlife corridors which appear to be superior to the wildlife corridors alongside the railway line
- Overall, content with GCN Mitigation Strategy; however, the ecologist has not provided any timings to the works. It is important that the receptor area is created well in advance of the trapping/ translocation, to enable the new habitat to form.

Second Response:

- Ecological Appraisal: overall, satisfied with conclusions. However, the ecologist has not provided recommendations to compensate for any losses. As per the mitigation hierarchy, if a development cannot avoid disturbance/ destruction of habitat/ species then mitigation should be provided to minimise impacts followed by compensation to offset residual impacts (loss of nesting/ foraging habitat)
- The Ecological Mitigation & Enhancements Plan does not appear to show any tree planting proposals
- A Construction Environmental Management Plan (CEMP) or Landscape Ecological Management Plan (LEMP) should be devised to ensure compliance
- Ecological Mitigation & Enhancements Plan: still concerned the development will result in a net loss of habitat. A significant amount of neutral grassland, a small area of acid grassland, as well as mature trees, scrub, and tall ruderal will be lost. In order to achieve a biodiversity net gain (BNG) new habitats of equal (or a higher) distinctiveness must be created. Retain initial recommendation that a biodiversity metric is used a pragmatic way to calculate the biodiversity impact of the proposal
- Recommend a LEMP is secured via condition
- Ponds should be secured by conditions with fencing to reduce disturbance to the aquatic habitats and the species that they may support
- Request that bird boxes are installed on site
- Satisfied with provision and type of bat boxes recommended
- Bat Survey Report: satisfied with findings of the report. Although it is anticipated that only one tree will be lost to facilitate development, precautionary measures should be implemented to ensure that felling operations do not impact any of the retained trees (and potential bat roosts)
- Mitigation recommendations have been included to compensate for the loss of a potential bat roost as a result of the tree felling, replacement habitat must be secured for each tree lost
- Great Crested Newt (GCN) Survey: acceptable justification has been provided to address previous concerns. Recommend that specific management prescriptions are included within a LEMP to ensure that the grassland is appropriately managed in perpetuity.

Third Response:

- No further comments to provide.

5.15 Nottingham Police Crime Prevention Design Advisor:

First Response:

Provisionally support the application but require further information on the below:

- developer must demonstrate they have considered and applied measures to protect the safety of residents from unauthorised access to the railway due to the proximity of the development to the lineside
- During the demolition and building work the developer should demonstrate site security has been applied
- The second pond beyond the railway could be a feature that attracts younger people without access gained from the crossing
- The railway boundary is defined by a hedgerow which is considered insufficient as a robust boundary treatment to prevent trespassing
- The horizontal metal bars on the gate installed on one side of the crossing provides easy climbing beyond this secured access, will the rights of the public access of the railway be removed should permission be approved
- There is a possibility that the access point to the railway from the crossing could be blocked by a roadside vehicle/s parked on the development
- If there are any lineside signals in the area of the development the ability of a train driver to see these could be obscured during the hours of darkness should an occupier of one of the properties abutting the lineside install a rear garden floodlight/s that emits an area of intense bright light

Second Response

- Accept the issues initially raised have been addressed by the agent
- Only remaining outstanding concern is the agricultural vehicle use of the railway crossing but it is noted Network Rail have not objected to the retained usage of the crossing by the farmer. Would support the use of a telephone to request permission to cross but accept if Network Rail deem they are not required then this is acceptable and not further comments to add.

5.16 Nottinghamshire County Council Planning Policy: Request a secondary education contribution of £242,510.00. (10 places x £24,251 per place).

Request a library contribution of £2,114.00 towards Stapleford Library.

Request a bus service contribution of £75,000.00 to improve local bus services to serve the site (this is a pro rata contribution as part of the response given to the neighbour site 20/00352/OUT relating to Policy 3.4 of the P2LP 2019).

5.17 Four neighbouring properties were consulted and one site notice was posted and Two observations and one response stating no objection and in support of the development were received and can be summarised as follows:
as follows:

- Loss of trees should be explained and how this will be compensated with a net gain
 - The proposal results in a reduction of trees which is contrary to Policy 16 of the ACS (2014)
 - Site includes areas which appear to have been subjected to the same historic mining as seen on Bramcote Moor on the other side of Coventry Lane, a condition should be put in place to ensure the sough is protected from development activity
 - The noise report states that trains pass occasionally and demonstrate incorrect timings and movements
 - Trains pass at full power and frequently sound horns
 - Being near the summit of the Trowell Branch means houses next to the line will suffer vibration and no reference is made to this
 - Would expect standard noise and vibration clause to have been shown by Network Rail
 - No reference to good access and safe route to Bramcote Woods and would expect to see a crossing on Coventry Lane.
- Stapleford Town Council: no objection but concerns in relation to flood mitigation measures due to proximity to boundary brook. Would like assurances that Severn Trent has reviewed the plans fully and understand the full implications of the maintenance regime. Any formal agreement should be in place before development commences. Stapleford TC would like to request green measures such as solar panels.

6 Assessment

- 6.1 The main issues for consideration are whether the principle of the development is acceptable, access and highways, design, layout, flooding and S106 contributions.

6.2 **Principle**

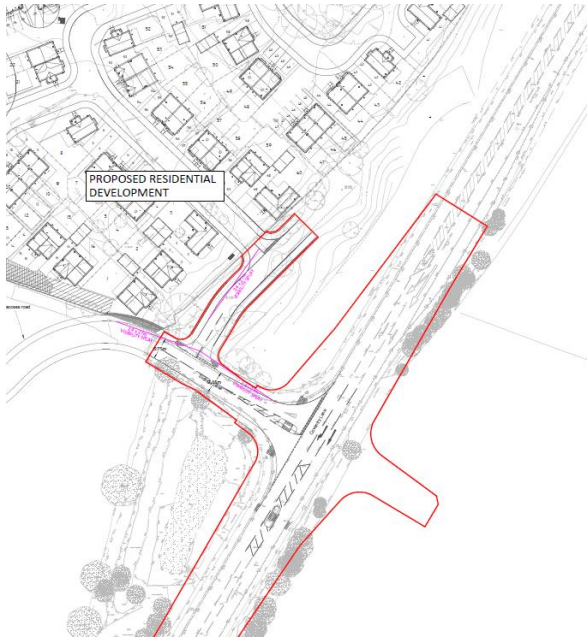
- 6.2.1 Following the adoption of the Part 2 Local Plan, land to the west of Coventry Lane was removed from the Nottingham-Derby Green Belt in order to facilitate the Council's 5-year housing land supply. The entire site would provide an additional 240 homes to the borough; however, this application is for 190 homes with the north east of the site being subject to a later application.
- 6.2.2 This is a green field site which is close to an existing urban area which adjoins the Field Farm development to the south west. Land to the east of Coventry Lane has also been allocated for 500 homes.
- 6.2.3 It is considered the principle of residential development on this site is acceptable given that it has been assessed as acceptable for housing through the adoption of the Part 2 Local Plan and is vital in providing the required number of homes to meet the Council's 5-year housing land supply.

6.3 **Access and Highways**

- 6.3.1 Policy 3.4 of the Part 2 Local Plan states that the scheme should provide safe pedestrian and cycling routes including crossing points on surrounding roads

linking to the redeveloped school, the development on the eastern side of Coventry Lane in Bramcote, the Field Farm development and the Erewash Valley Trail. Vehicular access should be via a single junction, design measures to reduce speeds along Coventry Lane should be incorporated and bus routes adjacent to or within the site should be enhanced.

- 6.3.2 The site will be served by one single point of access which already exists (Sidings Lane). This will also serve the larger part of the allocation under 20/00352/OUT. The plan below shows the proposed access arrangements which will include a secondary road branching off Sidings Lane to serve the northern part of the site.



Highways Access Arrangement (Sidings Lane)

- 6.3.3 The proposed amendments to the access into the site and Coventry Lane are as follows:

Sidings Lane and access

- Widening of Sidings Lane to a minimum of 6.75m in width to accommodate a sufficient single point of access for the number of dwellings on site
- Pavement either side of Sidings, extending to 3m in width approaching junction to Coventry Lane for pedestrian/cycleway
- Refuge crossing in the centre of junction on Sidings Lane for safe pedestrian crossing
- Tactile paving at refuge crossing points and on junction crossing for pedestrians
- Existing access to Hulks Farm widened to 5.5m for the first 5m

Coventry Lane

- Improvements to junction corner radii to accommodate vehicle swept paths and reduce pedestrian crossing distances
- Replacement of existing traffic island on Coventry Lane south of Sidings Lane with a pedestrian crossing refuge and dropped kerbs with tactile paving each side

- Proposed speed limit reduction from 50mph to 40mph to the south (30mph retained to the north)
- Financial contribution towards bus service extension to be provided.

- 6.3.4 The application (20/00352/OUT) which approved outline permission for up to 190 dwellings included highway design measures which included a toucan crossing. It was requested that the same highway design measures were incorporated by this scheme by the highway authority. However, it was contested by the developer that as the site is smaller, it should not be subject to providing a toucan crossing. The following was stated in the Transport Assessment *"Having regard to the demands and desire lines identified above, it is considered that there is no requirement to provide the new signal-controlled on Coventry Lane to the south of Sidings Lane for this first phase of development. Providing such a facility would not address the desire lines generated by the scheme, and would be disproportionate to the scale of the proposal in terms of the demands generated, the cost of provision and the disruption to traffic that would arise along Coventry Lane during construction."* Furthermore, it was stated that if the 20/00352/OUT site was not developed, a toucan crossing to serve just this site would be an unreasonable request. Several discussions were undertaken by the developer, council and highway authority in order to discuss appropriate highway design measures that were compliant with Policy 3.4 of the P2LP (2019) and accepted by the highway authority. Additionally, the developer provided a legal opinion suggesting that refusing the application by not providing a toucan crossing, was unreasonable. It was ultimately concluded that the highway design measures proposed for the application were acceptable. The legal opinion provided by the developer was supported by the council's legal officer and it was considered unjustified to refuse the application based on the application not providing a toucan crossing, especially given that the highway authority did not object. The proposed highway design measures are considered to be compliant with Policy 3.4 of the P2LP (2019).
- 6.3.5 Whilst it is acknowledged a toucan crossing will not be provided in conjunction with this development, the 20/00352/OUT application has committed to providing toucan crossing which would be sufficient to serve both sites east of Coventry Lane and the allocated site to the west of Coventry Lane under Policy 3.3 of the P2LP (2019).
- 6.3.6 Policy 3.4 refers to providing safe and pedestrian cycling routes including crossing points on surrounding roads linking to the redeveloped school, the development on the eastern side of Coventry Lane in Bramcote, the Field Farm development and the Erewash Valley Trail. The Transport Assessment states the following: *"...the nearest bus stops and the majority of amenities within the desirable walking distances lie to the north and east of the site. In this respect, the pedestrian and cycling strategy includes a dropped kerb pedestrian crossing points with tactile paving and a pedestrian refuge at the mouth of the Coventry Lane/Sidings Lane junction. This will provide connectivity from the site to the existing shared footway along the western side of Coventry Lane. In addition, offsite improvements include upgrading the existing traffic island immediately south of Sidings Lane to become a pedestrian refuge island."* It is considered this is sufficient in meeting this part of the policy.

- 6.3.7 Policy 3.4 refers to enhancing bus routes adjacent to or within the site. The developer has agreed to pay the £75,000.00 requested by the highway authority in order to provide improvements to local bus services to serve the site.
- 6.3.8 The Highway Authority raised specific concerns in relation to the cul-de-sac by the substation not being sufficient for a refuse vehicle to manoeuvre which has now been amended on the plans. The remaining comments raised within the third response from the Highway Authority can be resolved as part of Section 278 works following permission being granted.
- 6.3.9 To conclude, it is considered the proposed amendments to the site access and Coventry Lane are acceptable to facilitate the site's development for residential dwellings. Furthermore, the Highway Authority support the application subject to conditions.
- 6.3.10 With regard to the internal layout there is a main distributor road which splits in two and serves both the north east and south west of the site. Both sides of the distributor road are served by some private drives and are, in part, framed by areas of open space and some of the SUDS features. Several comments were raised by the Highways Authority with regard to the specific layout and geometry of the roads, visibility splays, adoption criteria, bins store location and swept path analysis. The applicant has addressed these issues and the highways authority, subject to conditions, has raised no objection to the layout proposed. All private drives will be managed by a separate management company, in a similar vein to the open space, and both ourselves and the Highway Authority are happy with this arrangement.

6.4 Flood Risk and Drainage

- 6.4.1 The site is located within Flood Zone 1 which is land with a low probability (between 1 in 1000) of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency (EA) was consulted on the application. The EA raised no objection to the application subject to works stopping and a remediation strategy being submitted should contamination be found during works being undertaken. The Lead Local Flood Agency has also raised no objection to the application and were also consulted by the developer prior to the application being submitted. Severn Trent Water were consulted by the developer and once the application was submitted and have not raised any objection.
- 6.4.2 Paragraph 159 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.
- 6.4.3 Boundary Brook is an ordinary watercourse and tributary of the River Erewash flowing in a westerly direction which is located 1200m south-west of the site. It has been identified that the site is at low risk of fluvial flooding.
- 6.4.4 Whilst there are some areas that may be prone to flooding which are shown on the map below, the majority of the site has been identified as being at 'very low risk' of surface water flooding. As there is a mix between some risk of flooding and low risk, the site has been identified overall as having a medium risk before being

developed. However, following the implementation of a SuDS scheme, this risk has been reduced from medium to low once the site has been developed.

- 6.4.5 The risk of groundwater flooding post development has been identified as being low due to finished ground floor levels being set 300mm above existing ground levels.



- 6.4.6 From reviewing the FRA, it is considered that flood risk issues have been satisfactorily addressed. A number of mitigation measures are recommended within the FRA which include floor levels being set no lower than 300mm above existing ground levels, a new foul sewer connection to connect to the existing foul sewer on Sharnford Way and existing pond to be retained and a new flood attenuation pond to be created.
- 6.4.7 Severn Trent Water (STW) have been consulted via the developer and during the process of the application and have not raised any concerns regarding any potential for flooding or drainage capacity issues. A letter from STW commenting on the development has been provided with the FRA. Approval from STW will be required to connect to public sewers. STW have advised that a gravity foul water sewer could be accommodated to connect to the Sharnford Way sewer but they would need to be advised on the details of a pumped connection. These details will be dealt with under a separate agreement with STW.
- 6.4.8 It is considered that flood risk and drainage matters have been adequately addressed and that the inclusion of conditions to ensure the works are carried out in accordance with the Flood Risk Assessment and Drainage Strategy. Furthermore, the Environment Agency, Lead Local Flood Agency and Severn Trent Water have not objected to the application.

6.5 Ecology

- 6.5.1 The site within the red line plan does not directly adjoin any Local Nature Reserves (LNR). However, in regards to the wider allocation, a Local Nature Reserve (LNR) adjoins the site to the east (Stapleford Hill Woodland). Beyond this, to the south east of Stapleford Hill is Bramcote Hills Park Woodland LNR and to the west of Field Farm, Pit Lane Recreation Ground LNR. Together, these three LNRs form part of a secondary Green Infrastructure corridor extending from Erewash to Wollaton Hall. Nottingham Canal LNR is located northwest of the site boundary but is not hydrologically linked to the proposed development. The Preliminary Ecological Appraisal (PEA) stated that based on the scale of the development, the site is considered to be a sufficient distant for there to be no direct or indirect impacts on these sites.
- 6.5.2 Policy 28 (Green Infrastructure Assets) and Policy 31 (Biodiversity Assets) of the P2LP seek to ensure no significant harm is caused to environmental assets, including protected habitats and species. Both policies share their main evidence base as the Council's Green Infrastructure Strategy. If significant harm is identified, then the P2LP policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 6.5.3 The PEA establishes the land mainly consisting of species poor semi-improved grassland of low nature conservation value, with a number of mature trees scattered throughout.
- 6.5.4 The PEA states that the majority of the trees surrounding the existing pond will be retained to support nesting birds and provide foraging habitat for bats. However, a landscaping scheme by way of a condition will be included in the recommendation for approval which would be subject to further scrutiny over trees proposed for removal and that appropriate species to this area are planted.
- 6.5.5 The Nottinghamshire Wildlife Trust (NWT) were consulted as part of the application and ongoing discussions took place between themselves and the developer with additional information being submitted to alleviate concerns. The NWT have not objected to the scheme and conclude that they are relatively satisfied with the information provided. However, there are a number of points that they still consider a concern which are as follows: a barn owl box should be included, the ecologist has not provided any recommendations to compensate for ecological losses, no tree planting proposals are shown, a Construction Environmental Management Plan (CEMP) or Ecological Management Plan (LEMP) should be included to ensure compliance, concerned that the development will still result in a net loss of habitat (biodiversity net gain measure should be used), ponds should be secured with fencing so they are not disturbed, bird boxes are installed, precautionary measures should be implemented to ensure that felling operations do not impact on retained trees and replacement habitats for bat roosts for any tree felled.
- 6.5.6 Of the above, the developer has provided the following response: a barn owl box will be included, all development results in a degree of disturbance/ and or destruction of habitat and mitigation should be applied proportionately only, tree planting is shown on the Planting Plan but non-native trees will also be planted as part of the landscaping scheme which will benefit nesting and foraging, agree to a

CEMP and/or LEMP, fencing is not practical for either ponds (the pond beyond the railway line would not have public access and the existing pond on site is surrounded by trees which would make it difficult to manage), bird boxes to be provided, replacement native species trees form part of the landscaping proposal.

6.5.7 The red line plan is split into two parts. The red line plan encompassing land to the north of the railway track is proposed solely to accommodate Great Crested Newt mitigation and no built development will be included on this part of the site. The pond will not be connected to drainage infrastructure. All attenuation for the proposed development will be managed within the red line plan to the south of the railway line.

6.5.8 It is considered the Ecological Appraisal satisfactorily assesses the impact the development could have on the site and surrounding area with suitable mitigation measures. NWT have concluded that the Preliminary Ecological Appraisal has been carried out to a good standard and that the ecological data is within date. The NWT has not objected to the application and it considered that their outstanding concerns have been addressed.

6.5.9 Policy 3.4 refers to providing enhanced Green Infrastructure corridors linking urban areas of Nottingham to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail in the west. The site will link to existing and proposed pedestrian and cycle routes within the wider allocation, thus connecting to the wider area including Bramcote and Stapleford Hills, Bramcote Park and wider afield to Boundary Brook, Pit Lane Wildlife Site and Nottingham Canal and Erewash Valley Trail. This scheme is therefore considered policy compliant in this regard.

6.5.10 To conclude, it is acknowledged that the NWT has retained their comments in respect of the development resulting in a net loss of habitat and that a biodiversity net gain measure should be used to assess this. In relation to biodiversity net gain, Policy 31 states this should be sought but not that development will be refused if it is not achieved. Some of the mitigation measures that have been provided are as follows: protection of great crested newts, replacement bat roosts, biodiversity enhancements (e.g. sensitive lighting scheme, utilisations of tree and shrub species and hedgehog highways), retaining existing pond on site and creation of additional pond, tree mounted bat boxes, bird/bat boxes and native species shrub planting. In addition to this conditions will be advised as part of the recommendation which include a landscaping scheme, a Construction Environment Management Plan (CEMP). It is considered the scheme provides suitable mitigation for the site and refusing the scheme on not providing a net gain would be unjustified.

6.6 Amenity

6.6.1 The site is largely isolated from surrounding existing development and therefore it is considered there will not be an adverse impact on surrounding neighbours' amenity. The site will adjoin the 20/00352/OUT development to the south west. Whilst the site to the south west was in outline only, it is still considered an acceptable relationship between the split of the site can be achieved.

- 6.6.2 As part of Policy 3.4 of the Part 2 Local Plan, it states that a buffer should be incorporated between the crematorium and Stapleford Hill to ensure the tranquil setting of the crematorium and that houses close to Stapleford Hill are not shaded for extended periods of time. As the allocated site has been split into two, this element relates to the top north eastern corner and is a significant distance from the crematorium. The 20/00352/OUT application and subsequent reserved matters application has and will address this part of the policy.
- 6.6.3 It is considered all the proposed house types provide an acceptable level of amenity, with adequate sized rooms, primary rooms having outward facing windows, access to rear amenity gardens and side facing windows will be conditioned (where required) to be obscurely glazed.
- 6.6.4 Environmental Health were consulted as part of the application and conditions were initially advised in relation to noise mitigation. However, further information has been provided in relation to the concerns raised and Environmental Health have removed their pre-commencement condition in respect of noise mitigation and have requested that the development is carried out in accordance with the additional information. The additional information includes a revised Noise Assessment Report and a Thermal Comfort Report.
- 6.6.5 To conclude, it is considered that the properties on site provide an acceptable amount of amenity provision for future occupiers, and the scheme would not adversely affect the amenity of other uses nearby.

6.7 Layout and Design

- 6.7.1 The site is relatively isolated from any existing residential development and as the 20/00352/OUT application has been approved in outline only, there is no requirement to replicate nearby design styles. However, the proposed properties are considered to reflect a part traditional/contemporary approach with varying styles and designs with a varying pallet of materials (e.g. render and bricks) and are not dissimilar to development in the wider area. There will be a mixture of two to three storey dwellings, detached, semi-detached and terrace properties. The proposed corner plots are considered to address the street scene appropriately with dual facing elevations. Below shows an example of three street scene elevations to show the varying types of houses, materials and levels.



STREET SCENE A-A @ 1:200



STREET SCENE B-B @ 1:200



STREET SCENE C-C @ 1:200

6.7.2 The layout of the scheme is considered to be acceptable and functional. At the entrance of the site, there are two dwellings with dual aspects to address the street scene and act as a gateway feature, the properties varying in height, design and materials gives variation to the scheme and provides memorable focal points when navigating through the estate and there is an opportunity for soft landscaping to the front of properties and existing.

6.7.3 Public spaces will be identified by boundaries, materials and built form but will also be naturally overlooked by residents which will ensure natural surveillance. The existing pond and majority of the trees surrounding it will be retained but further details of boundary treatments and landscaping will be secured by condition.

6.7.4 To conclude, it is considered the layout is acceptable and appropriate for the site.

6.8 Financial Contributions

6.8.1 A residential development of this scale generates the need for financial contributions towards affordable housing, education, open space and integrated transport measures.

6.8.2 In accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.8.3 Policy 15 of the Part 2 Local Plan requires 30% affordable housing on the newly allocated sites in Stapleford. The Council's Housing Strategy and Development Officer has requested that 12 houses are rented and six are shared ownership with a preference of six of the shared ownership properties being two bedrooomed properties and the others being affordable rent. The developer has accepted the 12 affordable rented and 6 shared ownership properties but has requested that the affordable rented properties consist of one, two and three bedroom properties and the shared ownership properties are a combination of two and three bedroom properties. This is on the basis of liaising with a registered provider. The Housing Strategy and Development Officer has agreed that this split is acceptable.

6.8.4 A total open space maintenance contribution of £90,127.80 as a commuted sum (£850.64 for provisions and £651.49 for maintenance per dwelling) would usually be required. However, as all open space on site is to be managed by way of a private management company, no open space contribution is required. The setup and running of the private management company will be dealt with through the s.106 Agreement as this affords the Council more security and detail for the management of the public open space on the site.

6.8.5 A contribution towards secondary education provision of £242,510.00 (10 places x £24,251.00 per place) has been requested by Nottinghamshire County Council's policy team and agreed by the agent.

6.8.6 NHS Nottingham City Clinical Commissioning Group (CCG) has made a health contribution request for £32,512.50 for primary health care which has been agreed to be paid by the agent.

- 6.8.7 A transport contribution of £75,000.00 to provide improvements to local bus services to serve the site has been requested by Nottinghamshire County Council as Highway Authority and has been agreed to be paid by the agent.
- 6.8.8 A request for £2,114.00 towards Stapleford Library has been made by the Nottinghamshire County Council policy team. The agent has agreed to paid this.
- 6.8.9 In conclusion on S106 matters, the proposed obligations are considered to meet the tests set out in the NPPF in terms of being necessary, directly related and fairly and reasonably related in scale and kind to the development.
- 6.8.10 The S106 heads of terms have been agreed and the S106 document is currently being drawn up and finalised with the Council's legal department.

6.9 Other Issues

- 6.9.1 For the reasons outlined within the report it is not considered this development is contrary to Policy 16 of the ACS.
- 6.9.2 The Coal Authority has been consulted on the application as the site falls within the defined Development High Risk area. The Council's Environmental Health Officer has verified the Coal Mining Risk Assessment report and GeoEnvironmental Assessment report and confirmed they have been carried out in accordance with current guidance but that a full remediation strategy will be required to be submitted once the site investigation has been completed. Conditions will be included with the recommendation in accordance with this advice. A permit will also be required from the Coal Authority. It is considered this is sufficient in addressing concerns in relation to coal mining.
- 6.9.3 The Sustainability Statement states the proposed dwellings will be designed in accordance with the principles of the energy hierarchy to include measures to reduce the primary energy use and carbon emissions which will achieve compliance with the Building Regulations.
- 6.9.4 The comments raised by the Highway Authority in respect of the Travel Plan will be addressed by a preoccupation condition to ensure further information is submitted.

7 Planning Balance

The benefits of the proposal are that it would provide 60 dwellings including affordable dwellings, short term jobs created from the construction of the development and financial contributions. Whilst there are still some reservations over some elements of the ecological aspects of the development and additional information is required for noise mitigation, both of these issues can be suitably addressed via condition. Furthermore, neither of these issues are elements, that the scheme could be justifiably refused on, and are significantly outweighed by the benefits. On balance, the positives of the scheme are considered to significantly outweigh the negatives, and as such this scheme is recommended for approval.

8 Conclusion

- 8.1 To conclude, it is considered the proposed outline scheme has included enough preliminary information to determine that this allocated site is acceptable for housing and therefore is recommended for approval.

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 106 of the Town & Country Planning Act 1990

(ii) the following conditions:

1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 23 June 2021:</p> <ul style="list-style-type: none"> • Arboricultural Assessment by FCPR Rev D <p>Received by the Local Planning Authority on 23 July 2021:</p> <ul style="list-style-type: none"> • M028-STN-BUR_DET_AS_PLUS-DR-A-01 Rev A (Burton) • M028-STN-BUR_DET_AS_REN-DR-A-01 Rev A (Burton Render) • M028-STN-DOR_END_AS_REN-DR-A-01 Rev A (Dorchester Render) • M028-STN-HAL_END_AS_PLUS-DR-A-05 Rev A (Halstead) • M028-STN-HAL_END_AS_PLUS-DR-A-04 Rev A (Halstead) • M028-STN-HAL_END_AS_PLUS-DR-A-03 Rev A (Halstead) • M028-STN-HAL_END_AS_PLUS-DR-A-02 Rev A (Halstead) • M028-STN-HAL_END_AS_PLUS-DR-A-01 Rev A (Halstead) • M028-STN-KEL_DET_AS_STD-DR-A-01 Rev A (Kelham) • M028-STN-KEN_END_AS_STD-DR-A-01 Rev A (Kendal) • M028-STN-KEN-HAL_END_AS_PLUS-DR-A-01 Rev A (Kendal - Halstead) • M028-STN-KEN-HAL_END_AS_PLUS-DR-A-02 Rev A (Kendal - Halstead) • M028-STN-LEW_END_AS_PLUS-DR-A-01 Rev A (Lewes)

- M028-STN-LEW_END_AS_PLUS-DR-A-02 Rev A (Lewes)
- M028-STN-RIC_END_AS_PLUS-DR-A-02 Rev A (Richmond)
- M028-STN-SOM_DET_AS_PLUS-DR-A-01 Rev A (Somerhill)
- M028-STN-SOM_DET_AS_REN-DR-A-01 Rev A (Somerhill Render)
- M028-STN-STRA_END_AS_STD-DR-A-01 Rev A (Stratton)
- M028-STN-STRA_END_AS_STD-DR-A-02 Rev A (Stratton)
- M028-STN-TIV_DET_AS_STD-DR-A-01 Rev A (Tiverton)
- M028-STN-WAR_DET_AS_PLUS-DR-A-01 Rev A (Warwick)
- M028-STN-WIN_DET_AS_PLUS-DR-A-01 Rev A (Windsor)
- M028-STN-WIN_DET_AS_REN-DR-A-01 Rev A (Windsor Render)
- M028-STN-WIN-DAN_DET_AS_REN-DR-A-01 Rev A (Windsor & Danbury Render)

Received by the Local Planning Authority on 27 July 2021:

- M028-STE-XX-DR-M2-A-G_01 Rev A (Twin Garage)
- M028-STE-XX-DR-M2-A-G_02 Rev A (Single Garage)

Received by the Local Planning Authority on 18 October 2021:

- 101 Ref F (Drainage Layout)
- 7 Rev A (Rail Track Influence Sections)
- 2 Rev F (Drainage and Levels Appraisal)

Received by the Local Planning Authority on 22 October 2021:

- M028-STN-XX-DR-M2-A-02 Rev A (Site Location Plan)
- M028-STN-XX-DR-M2-A-05 Rev A (Cross Sections)
- M028-STN-XX-DR-M2-A-06 Rev E (Boundary Treatment Plan)
- M028-STN-XX-DR-M2-A-07 Rev B (Access Track Detail)

Received by the Local Planning Authority on 29 October 2021:

- M028-STN-RIC_END_AS_PLUS-DR-A-01 Rev B (Richmond)

Received by the Local Planning Authority on 9 November 2021:

- M028-STN-XX-DR-M2-A-04 Rev D (Street Scenes)

Received by the Local Planning Authority on 16 November 2021:

- S278 105 Rev A (Site Access Proposed Sections)
- S278 104 (Site Access, Proposed Contour Layout)
- S278 103 (Kerbing and Surface Finishes Layout)

Received by the Local Planning Authority on 24 November 2021:

- 9864-E-09 Rev C (Ecological Mitigation & Enhancements)

	<p>Received by the Local Planning Authority on 9 December 2021:</p> <ul style="list-style-type: none"> • SK05 Rev D (Site Access Arrangement) • SK04 Rev D (Site Access Arrangement) • SK03 Rev D (Site Access Arrangement) <p>Received by the Local Planning Authority on 10 December 2021:</p> <ul style="list-style-type: none"> • M028-STN-XX-DR-M2-A-01 Rev U (Planning Layout) • S278 100 Rev D (Site Access Layout) • 15 (Pumping Station Tanker Tracking Layout) • 13 Rev B (Refuse Tracking Layout) <p>Received by the Local Planning Authority on 12 January 2022:</p> <ul style="list-style-type: none"> • M028-STN-XX-DR-M2-A-03 Rev F (Materials Plan) • M028-STN-TIV_DET_AS_REN-DR-A-01 (Tiverton, Render) <p>Received by the Local Planning Authority on 17 January 2022:</p> <ul style="list-style-type: none"> • M028-STN-XX-DR-M2-A-01 Rev U (Planning Layout) <p>Received by the Local Planning Authority on 17 January 2022:</p> <ul style="list-style-type: none"> • Thermal Comfort Model by Melin, ref: 303733 Rev B dated 1.2.22 • Noise Risk Assessment & Acoustic Design Statement by Noise.co.uk, ref: 21284A-1 dated 2.2.22 <p>Reason: <i>For the avoidance of doubt.</i></p>
3.	<p>No development 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"> (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction (h) agreed construction hours (i) communication strategy for recording, investigation and dealing with complaints with a suitable point of contact

	<p><i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of 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>
4.	<p>No development shall commence until remedial stabilisation works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance</p> <p>Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:</p> <ul style="list-style-type: none"> a) pipes over 200mm in diameter capped off at night to prevent animals entering b) netting and cutting tools not to be left in the works area where they might entangle or injure animals c) No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal d) construction lighting proposals <p>The development shall be constructed in accordance with the agreed CEMP.</p> <p><i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>

6.	<p>No development shall commence until evidence has been provided to demonstrate that an application to reduce the speed limit along Coventry Lane to 40mph has been made.</p> <p><i>Reason: 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 and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:</p> <p>(i) further information regarding the investigative survey of the site has been carried out and an updated report is submitted to and approved in writing by the Local Planning Authority. The survey must be carried out in line with current guidance and have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment.</p> <p>(ii) a detailed Remediation Strategy, based on (i) providing full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the site investigation) shall be provided to and agreed in writing by the Local Planning Authority.</p> <p>(iii) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete shall be provided to and agreed in writing by the Local Planning Authority.</p> <p>The development shall be constructed in accordance with these details. Any changes to the agreed will require written consent of the Local Planning Authority.</p> <p><i>Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>Development shall not commence until a Construction Methodology Statement has been submitted to and approved in writing by the Local Planning Authority. The construction methodology statement shall evidence consultation with Network Rail. The development shall be carried out in strict accordance with the approved construction methodology statement unless otherwise agreed in writing by the Local Planning Authority.</p>

	<p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
9.	<p>No above ground works shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.</p> <p>(a) numbers, types, sizes and positions of proposed trees and shrubs; (b) planting, seeding/turfing of other soft landscape areas; (c) lighting details; (d) 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: Insufficient 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>
10.	<p>Development shall not commence until details of a suitable trespass proof fence adjacent to Network Rail's boundary have been submitted to and agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
11.	<p>No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>a) All necessary remedial measures stated within condition 8 have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>b) A verification report based on the information provided in accordance with condition 8 has been submitted and agreed in writing by the Local Planning Authority that demonstrates that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</i></p>

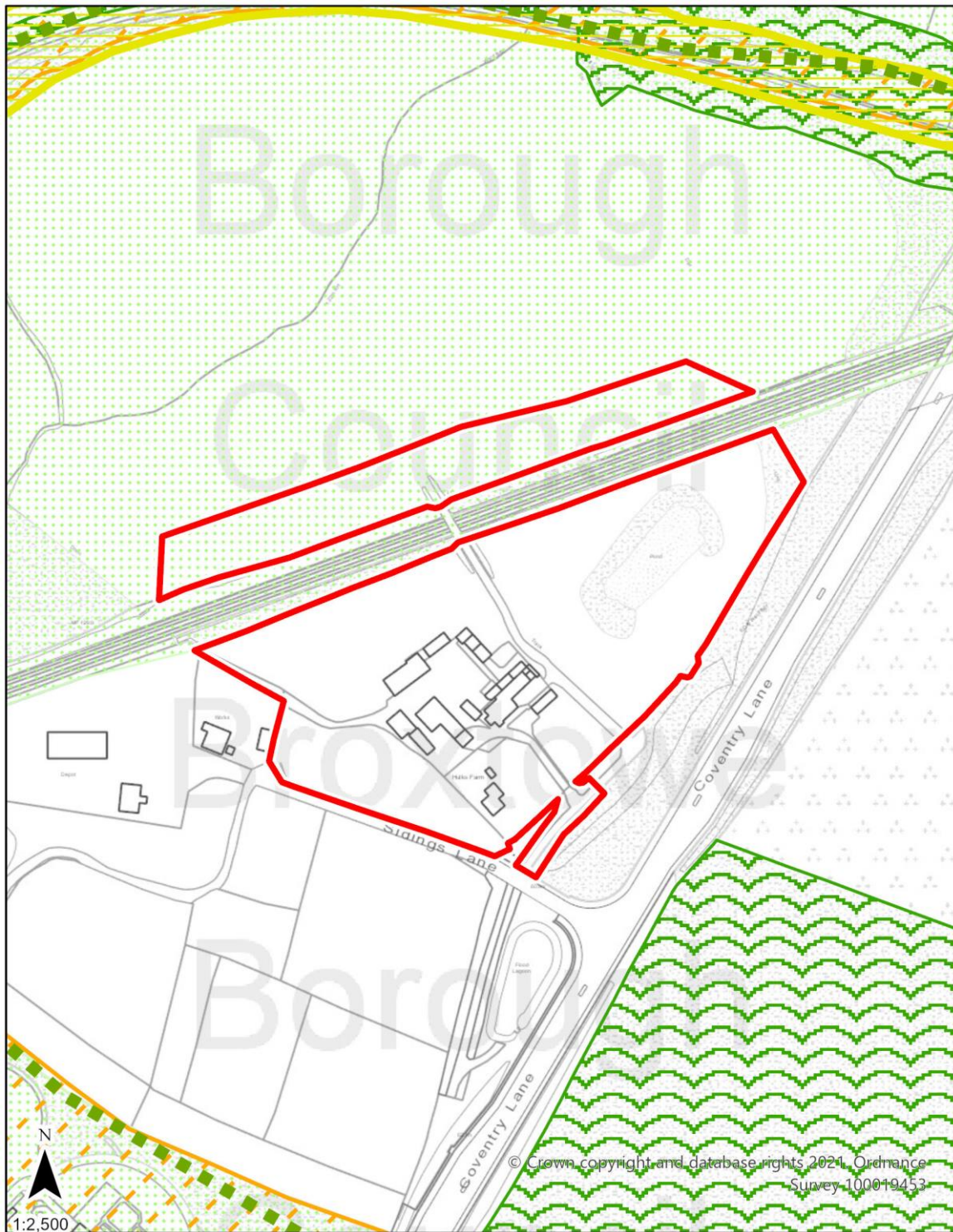
12.	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details.</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>Prior to the occupation of the first dwelling hereby approved, details of any external lighting should be submitted to and approved in writing by the Local Planning Authority. The development should be built in accordance with the approved details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims 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>Notwithstanding the submitted information contained with the Residential Travel Plan by Keepmoat Homes ref: T21029/RTP/01 Rev A, prior to the occupation of the first dwelling hereby approved, a revised travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.</p> <p><i>Reason: In the interests of highway safety, and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
15.	<p>No buildings pursuant to this permission shall be first occupied until:</p> <ul style="list-style-type: none"> the off-site highway works as shown for indicative purposes on drawing S278 100 Rev D, SK03 Rev D, SK04 Rev D and SK05 Rev D have been provided; and respective driveways are 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><i>Reason: In the interests of highway safety, and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>

16.	<p>The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment & Drainage Strategy dated May 2021.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>If no development has commenced within 12 months of the date of this planning permission, no development shall take place until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with any recommendations contained within the updated survey.</p> <p><i>Reason: To minimise the impact of the development on protected species within the site and in accordance with Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the draft Part 2 Local Plan.</i></p>
18.	<p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings and residents from noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
19.	<p>No infiltration of surface water drainage into the ground via SUDS or soakaway on land affected by contamination is permitted without the consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.</p> <p><i>Reason: To protect groundwater from contamination and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT

1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
4.	Burning of commercial waste is a prosecutable offence. All waste should be removed by an appropriately licensed carrier.
5.	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 hdc.south@nottsc.gov.uk
6.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151 of the Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.
7.	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.
8.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9.	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. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the buildings.

10.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: assetprotectionline@networkrail.co.uk
11.	All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
12.	Excavated materials that are recovered via a treatment operation can be re-used on-site under the Development Industry Code of Practice. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. You should refer to the Environment Agency's Position statement on the Definition of Waste: Development Industry Code of Practice and https://www.gov.uk/government/organisations/environmentagency
13.	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.
14.	Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
15.	<p>Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:</p> <ul style="list-style-type: none"> • Duty of Care Regulations 1991 • Hazardous Waste (England and Wales) Regulations 2005 • Environmental Permitting (England and Wales) Regulations 2010 <p>The Waste (England and Wales) Regulations 2011</p>

Map



Legend

- Site Outline
- Green Infrastructure Corridor
- Local Nature Reserves
- Local Wildlife Site
- Open Spaces
- Green Belt

Photos



View towards north west of site



Existing access drive into site



Existing farm and residential buildings



View towards north east of site

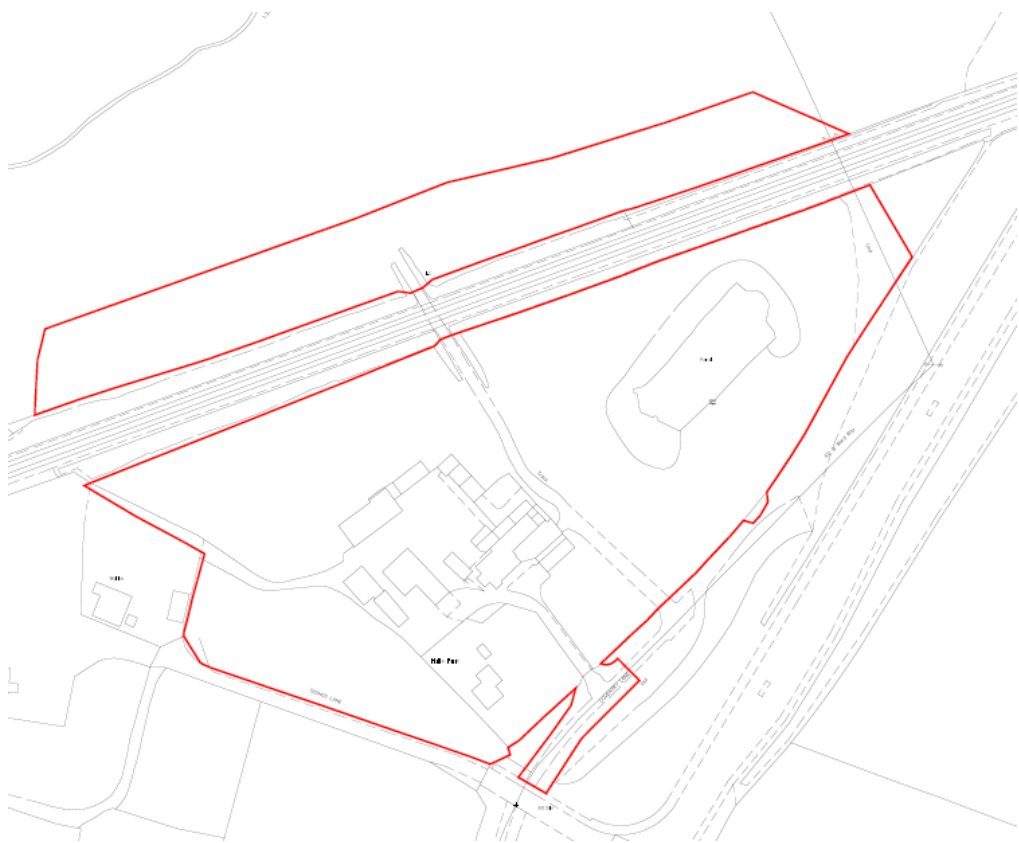


Existing gate to railway line



Existing pond with surrounding trees

Plans (not to scale)



Site Location Plan



Layout plan

Plans (not to scale)



Burton House Type



Kelham House Type

Plans (not to scale)



Lewes House Type

Plans (not to scale)



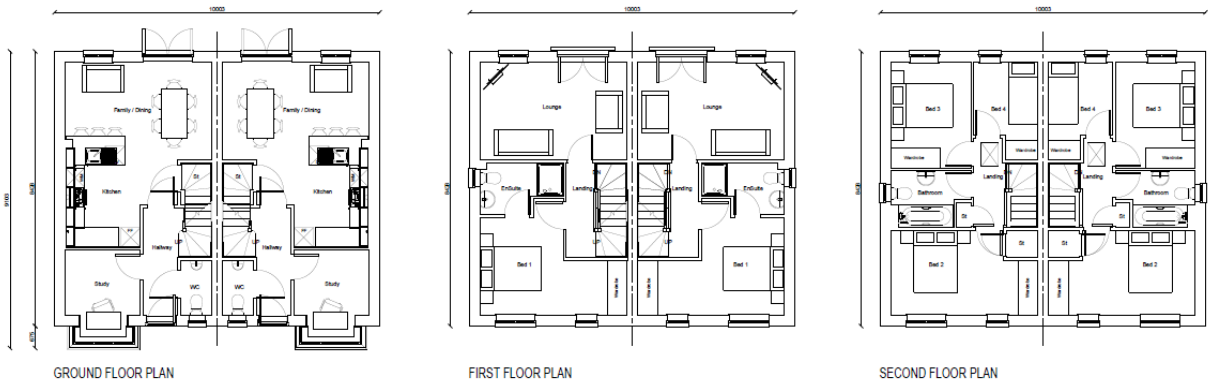
FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN

FIRST FLOOR PLAN

SECOND FLOOR PLAN

Richmond House Type