

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00826/FUL</b>
<b>LOCATION:</b>	<b>Land at end of Braemar Avenue, Eastwood, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Construct 240 Dwellings including Estate Roads, Public Open Space and Drainage</b>

**1.1 Purpose of Report**

This application is brought to the Committee upon the request of Councillor M Handley and Councillor M Radulovic MBE.

**1.2 Recommendation**

**The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix and to the signing of a Section 106 (S106) Agreement.**

**1.3 Detail**

- 1.3.1 This is a Major Planning Application seeking full planning permission to construct 240 dwellings with associated infrastructure including estate roads, public open space and drainage. The proposed dwellings comprise a mix of single storey and two storey buildings varying from two to four bedrooms. It is proposed that 24 dwellings will be provided as affordable housing, comprising 12 social rented properties and 12 shared ownership, as advised by the Council's Housing Officer.
- 1.3.2 The proposed point of access to the site is located via land between numbers 157 and 159 Chewton Street, with the demolition of a carport serving number 159. The site is currently accessed on foot from Halls Lane, a public bridleway which runs along the eastern boundary of the site. Public Rights of Way are proposed through the development site linking the bridleway to the existing public right of way leading to Commons Close and beyond.
- 1.3.3 The application as originally submitted proposed the provision of a total of 251 dwellings. Following the submission of amended plans the total number has been reduced down to 240, including the provision of eight single storey dwellings located within the northern section of the site backing onto existing single storey dwellings located on Commons Close.
- 1.3.4 The main issues relate to whether the principle of residential development is acceptable; whether the layout and design of the development is acceptable, whether there will be any impacts upon residential amenity, whether there would be any detrimental impact on highway safety, contamination of the land, flood risk and the impact on local wildlife/biodiversity.
- 1.3.5 The benefits of the proposal are that the residential development would see the development of a site within a sustainable urban location outside of the Nottinghamshire Green Belt. The proposed dwellings are not considered to be

harmful to the character of the surrounding area, will not have an unacceptable significant impact on neighbouring amenity or highway safety and contamination can be mitigated against through the implementation of conditions. Financial contributions in respect of improved bus services, monies to Eastwood Library, Health Centre and existing Public Open Space improvements will benefit the wider community of Eastwood along with the provision of a total of 24 Affordable dwellings on the site.

- 1.3.6 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix and to the signing of a S106 Agreement.

1.4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.7 Background Papers

- Design and Access Statement;
- Planning Statement;
- Statement of Community Involvement;
- Economic Benefits Report;
- Economic Impact Assessment;
- Health Impact Assessment;
- Building for Life Assessment;
- Air Quality Assessment;
- Acoustic Assessment;
- Tree Survey;
- Arboricultural Impact Assessment;
- Energy Statement;
- Transport Assessment;
- Travel Plan;
- Flood Risk Assessment;
- Ecology Report;
- Ground Investigation Reports;
- Coal Mining Risk Assessment.

## APPENDIX

2. Details of the Application

- 2.1 This application seeks full planning permission to construct 240 dwellings with associated infrastructure including estate roads, public open space and drainage. The proposed dwellings comprise a mix of single storey and two storey buildings varying from two to four bedrooms. It is proposed that 24 dwellings will be provided as affordable housing, comprising 12 social rented properties and 12 shared ownership. The breakdown of residential units is as follows:

- 8 x 2 Bed Semi-detached/detached bungalow;
- 40 x 2 Bed Semi-detached houses;
- 86 x 3 Bed Semi-detached houses;
- 70 x 3 Bed Detached houses;
- 34 x 4 Bed Detached houses.

- 2.2 The proposed point of access to the site is located via land between numbers 157 and 159 Chewton Street, with the demolition of a carport serving number 159. The site is currently accessed on foot from Halls Lane, a public bridleway which runs along the eastern boundary of the site. Public Rights of Way are proposed through the development site linking the bridleway to the existing public right of way leading to Commons Close and beyond.

3. Site and Surroundings

- 3.1 The site has a total area of 22.98 Acres, with a net developable site area of 17.22 Acres and Public Open Space equating to an area of 3.18 Acres. The land is classed as greenfield land having not been previously developed. The fields are bordered to the south and west by the former landfill site. The site is largely grassland with a hedgerow running across the site from east to west. There is also a hedge running the length of the bridleway on the eastern boundary of the site. The whole site slopes gradually from the north to the south with residential development to the north, in the main being on a higher level, whilst the immediately adjacent properties on Braemar Avenue to the west are situated at a lower level than the site.

- 3.2 The eastern boundary of the site is marked by a bridleway which connects to two footpaths which run across the site, joining Commons Close to the north. On the other side of the bridleway there is a residential development. The residential properties to the north of the site on Commons Close are bungalows, whilst dwellings on Wyvern Close and Chewton Street are two-storey houses. The two residential properties which abut the site on Braemar Avenue are bungalows.

4. Relevant Planning History

- 4.1 In 2005 planning permission was granted for ground investigation works to determine ground and groundwater conditions adjacent to and within the former landfill site.

- 4.2 In 2006 a planning application for 314 dwellings with associated infrastructure, open space provision and the construction of a bentonite wall was submitted. This was subsequently withdrawn in September 2006 following a number of concerns regarding the impact on existing properties, the proposed highway layout, position of the proposed public open space, insufficient information with regard to the Bentonite wall and the impact on the SINC.
- 4.3 In 2007 a planning application for 317 dwellings with associated infrastructure, public open space and site access from Chewton Street and Halls Lane was refused due to concerns over the future management and maintenance of the mitigation measures proposed in respect of migrating gases from the former landfill site and the public safety concerns that this raised.

5. Relevant Policies and Guidance

5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

5.1.1 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 mix and choice
- Policy 10 – Design and enhancing local identity
- Policy 14 – Managing travel demand
- Policy 18 – Infrastructure
- Policy 19 – Developer Contributions

5.2 **Part 2 Local Plan 2019**

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

- Policy 15 – Housing size, mix and choice
- Policy 17 – Place-making, design and amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 20 - Air Quality
- Policy 21 - Unstable Land
- Policy 24 – The Health and Wellbeing Impacts of Development
- Policy 26 – Travel Plans
- Policy 31 – Biodiversity Assets
- Policy 32 – Developer Contributions

### 5.3 National Planning Policy Framework (NPPF) 2021:

5.3.1 The National Planning Policy Framework (NPPF) 2021, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- 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 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

## 6. Consultations

### 6.1 Nottinghamshire County Council Highways

#### 6.1.1 First Consultation

The application site is an open field that sits between Chewton Street to the north, the A610 to the south, Braemar Avenue to the west, and Halls Lane to the east. It does not feature as an allocated site for residential use within Broxtowe Borough Council's Part 2 Local Plan, but was previously refused permission by the LPA under reference 07/00468/FUL for non-highway reasons. Whilst the former submission was for 314 dwellings served from two points of access, the current proposal now has a reduced quantum of development for 251 dwellings with a single point of access.

Drawing P101 revision G shows that vehicular access into the site will be from a 6.75m wide carriageway between no.'s 157 and 159 Chewton Street. Footways on both sides will measure 2m in width. The access has been formed by absorbing the driveway and garage/car-port associated to 159 Chewton Street, yet it would appear no formal provision has been made to accommodate the displaced vehicles. Further details to clarify where this parking will take place should be submitted for assessment.

Visibility splays at the access measure 2.4m x 43m in both directions which is commensurate to vehicle speeds of 30mph. The junction radii have a rather abrupt alignment to the carriageway and so a smoother kerbline will need to be provided to avoid vehicles clipping them as they pass. Tracking should be submitted to show that vehicles do not encroach into the oncoming lane of traffic when turning into the site.

Bus Stop BR0017 will need to be relocated to form the access. It is understood that my public transport colleagues have requested a condition to this effect.

Drawing P101 revision G shows a kink in the carriageway fronting plots 5 and 19. Drivers will be slowing down on the approach to the turning head and so the alteration to the alignment is not required, particularly as drivers will simply cut

across the centre line through the bend. The geometry should be amended accordingly.

The parking associated to plots 8, 9, 11, 40, 41 and 47 will require vehicles to be driven along the footway when taking access/egress which is a safety issue. An alternative arrangement should be sought here.

Drivers tend to park in close proximity of the main entry point to a dwelling for ease of access and to maintain an element of security if the vehicle is visible from the property. The front door to plots 3 & 249 are located within the confines of a junction which all site users need to negotiate to reach their destination. Any parking in this location will force drivers into the path of oncoming traffic thereby increasing the likelihood of conflicts. Amendments to the layout are required to show how this situation will be resolved.

The speed table fronting plots 231 – 239 is too much like a shared surface and by virtue of its length provides very little incentive for drivers to curb their speed. Such features should only reside at key junctions over a short length, supported by ancillary measures where necessary. A proliferation of this type of traffic calming has made it difficult to establish what is actually being proposed and so further details are required to clarify how vehicle speeds will be curbed to 20mph.

The private drive serving plots 29 - 33 scales at 4.5m wide when it should measure 4.8m wide. It would make sense to re-orientate the refuse collection point so that it is perpendicular to the footway to reduce the likelihood of bins being stored on the highway on collection days.

There are two cul-de-sacs fronting plots 47 and 50 that could be continued through to form a loop. Not only would this promote pedestrian connectivity, but it would also provide an alternative route for drivers to continue their journey should the main thoroughfare become compromised. As the site is served from a single point of access, the number of turning heads should be kept to a minimum and loops created where possible. The layout should be amended accordingly.

Swept path analysis has been undertaken with an edited version of an Olympus refuse wagon. The correct specification should be applied to the wheelbase to avoid skewing its turning ability. Furthermore, it should be demonstrated that a refuse wagon and car can pass simultaneously around all bends. Further details should be provided for assessment.

Private drives serving plots 139 – 142, and 124 – 128 should be fronted by domestic crossings and not radii kerbs.

There are two public footpaths that run through the site which currently have a linear route. It would be beneficial to annotate their full extent on the new layout to determine whether any alterations are required to the legal alignment.

Table 7.1 of the Transport Assessment (TA) predicts the development will generate 136 and 117 trips in the AM and PM peaks respectively. The Highway Authority's own interrogation of the TRICS database has not produced the same results but

they are not significantly different to those put forward in the document (133 and 125 for the same period).

Development traffic has then been distributed around the network in accordance with 2011 Census data. Background traffic flows were surveyed during the CV-19 pandemic but have then been growthed to reflect pre-pandemic levels which is acceptable.

The following junctions were modelled:

Site access / Chewton Street – The modelling identified no capacity issue in the 2025 with development scenario.

Newthorpe Common / Chewton Street - The modelling identified no capacity issue in the 2025 with development scenario.

Chewton Street / Nottingham Road - The modelling identified no capacity issue in the 2025 with development scenario.

Newthorpe Common / Nottingham Road - The modelling identified no capacity issue in the 2025 with development scenario.

Nottingham Road / Giltbrook Crescent / Smithurst Road – The Nottingham Road South arm is shown to operate at 86.5% capacity in the PM peak, with anticipated queue lengths of 24 vehicles (2025 base scenario). The proposed development increases the level of saturation to 90.2% with 28 queuing vehicles in the 2025 base + development scenario.

Giltbrook Interchange - The proposed trip rates and likely distribution are such that the development is unlikely to generate significant volumes of additional traffic through the gyratory. Google journey planner has also identified the quickest way to Nuthall Island from the site access is to join the A610 from either Newmanleys Road or Gilt Hill. Routing along Nottingham Road and through the Interchange takes the most time. On this basis, it has not been included within the model.

#### 6.1.2 **Second Consultation**

The indicative layout shows the site will be accessed from the same position as that originally proposed i.e. between 157 and 159 Chewton Street. The arrangement here has been achieved by absorbing the parking associated to no.159 which is now located within its respective curtilage but requires a change to its layout so that drivers can enter/exit perpendicular to the carriageway. It is also noted this area of land is not contained within the red line boundary which should be amended accordingly.

The junction radii onto Chewton Street appear quite tight, but no details have been provided to demonstrate how two-way flows can be accommodated without vehicles clipping the kerb. Track templates showing a refuse wagon passing a car should be submitted for assessment. The junction also needs to tie into Chewton Street more gradually to avoid an abrupt deviation to the kerb line.

We would expect a single driveway to measure 3.0m wide, with an additional 0.3m for each side that is bound. These dimensions have not been satisfied in a number of locations which will mean the future occupiers may find it difficult to carry their bins

from the rear to the front of their property whilst the spaces are fully occupied. This scenario is exacerbated in those locations where refuse bins need to be taken through their corresponding garage to reach the highway threshold. Justification as to why proposed dimensions are acceptable should be provided.

All driveways/parking spaces should measure no less than 5.5m in length, and where garages are present must be fitted with a roller shutter door. A minimum driveway length of 6.1m is required for garages with an “up and over” door. Tandem style parking requires an additional 5m length to accommodate the second vehicle. There are many locations where these dimensions have not been achieved and require correcting. It would be helpful if the dimensions were annotated on a plan.

The position of house numbers 243 and 244 will restrict visibility splays of 2.0 x 25m for drivers exiting plots 243 and 242. They should therefore be nudged back outside the splay, and a general landscaping condition applied to prevent future planting/structures above 0.6m high within the splay. The same principle also applies at plots 65, 171 and 172.

Forward visibility splays of 25m should be annotated on all bends to determine whether any additional land is required for safety/adoption purposes. Swept path analysis should also be provided to determine whether there is sufficient room for a refuse wagon and car to pass without bumping up the kerb.

The private drive serving plots 184 to 186 effectively creates a second access within the mouth of a new junction. It is not clear which driver has priority and so there is a risk of collisions when drivers enter the driveway whilst other traffic exit the junction. It may be possible to resolve this situation by moving the houses towards the public footpath and relocating the access further into the cul-de-sac.

All shared private drives should measure 4.8m wide for the first 8m behind the highway boundary. This has not been achieved at the following plots: 29 – 31, 46 – 50, 182 – 183, 184 – 186, 209 – 210, 239 – 241,

The turning heads that front the private drives serving plots 120 – 131 have no highway function. A domestic crossing arrangement should be provided to retain continuity for pedestrians on their desire line.

The proposal shows a series of traffic calming features in the form of a shared surface. Although footways have been delineated, they will sit at the same height as carriageway where they can be easily overrun by vehicles. Whilst these features may be acceptable over short distances as entry treatments to junctions, the absence of a kerbed footway is such that a Quality Audit must be prepared to justify that the design ensures accessibility for vulnerable road users is not prejudiced to the detriment of highway safety. Alternatively, those shared surfaces forming cul-de-sacs should be omitted from the proposal with alternative measures put in place to curb vehicle speeds to 20mph.

The parking associated to plot 314 parking too remote from the entry point into the dwelling which will encourage on-street parking along the spine road. It must be repositioned to prevent such practice.

Plot 153 is a 4 bedroomed house with 2 parking spaces, when we would expect it to generate a demand for a third space. Any displacement to the highway will take place



on a bend, and force drivers into the lane of oncoming traffic with restricted forward visibility. A third space should be provided within the curtilage.

The indicative site layout shows mature trees in close proximity of access point where their presence may reduce visibility for drivers exiting. All trees should be planted outside of the splays (2.0m x 25m) to maintain safety.

There is scope within the site to promote healthy and safe communities by providing a 3m wide link for pedestrians and cyclists towards 29 and 31 Braemar Avenue. The same provision should be made by widening the proposed path fronting plot 99 so that cyclists can reach the public bridleway.

It would appear the existing public footpaths will remain on their original alignment at 2m wide. Conformation of their surfacing details are sought for consideration.

#### 6.1.3 **Third Consultation**

It would be our preference for the junction radii on Chewton Street to be feathered in more gradually, however, this can be resolved through the S.38 process.

The off-street parking arrangement to 159 Chewton Street should be positioned closer towards the plot to maximise the distance from the junction. It doesn't need the "in-plot" turning facility, but drivers must be able to enter/exit perpendicular to the carriageway. A boundary treatment should be provided on the north side of the access towards Chewton Street to prevent drivers cutting across the bell-mouth when entering the driveway.

Visibility for drivers exiting plot 242 will be obstructed by vehicles stationed on the driveway of plot 243. We would therefore want this property to be served from the adjacent shared driveway.

It would make sense to extend the traffic calming feature fronting plot 220 across the shared driveway to plots 41 – 45. Further details should be provided for consideration.

The alignment of the carriageway between plots 51 and 173 appears to chicane which could impact of the ability of a refuse wagon being able to progress along its route. It should therefore be tracked around the bends with an element of on-street parking to determine how journeys will be completed.

The junction between plots 196 and 186 has a tight radius on the west side, with the opposite encroaching into the desire line of drivers on the spine road. The layout here will increase the likelihood of vehicles overring the footway which is a safety issue. Standard radii should be provided on both sides, although it may be necessary to rotate the alignment of the cul-de-sac to achieve this. Further details should be provided for assessment.

A bin store should be provided at the shared driveway to plots 33 – 38. A Management Company must be secured by S.106 prior to planning permission being granted to maintain the driveway which accommodates more than 5 dwellings. Such provision will however place a financial burden on the future occupiers to purchase public liability insurance, and to contribute fees towards subsequent maintenance programmes.

Properties served by the private drive must have appropriate legal covenants to prevent any future action by residents against the Highway Authority. The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. The Highway Authority must approve the wording of the covenant. Street nameplates should also be erected to reinforce the private nature of the drive.

The materials used to surface the public footpath does not appear to have been provided. Further details should be provided for confirmation.

6.1.4 **Fourth Consultation**

Following on from previous consultations and responses, all issues have now been dealt with. The "Indicative Site Layout" drawing shows the ramped table adjacent to plots 186 and 196 has now been removed which is acceptable. The same drawing also annotates a hedge fronting plots 230 and 240 which if left to grow may restrict the view of oncoming traffic. The hedge must therefore be removed. There are no highway objections subject to conditions.

6.2 **Nottinghamshire County Council Rights of Way** – No objections.

6.3 **Nottinghamshire Wildlife Trust** – No objections subject to conditions relating to Reasonable Avoidance Measures (RAMs) and the submission of a Landscape and Ecological Management Plan (LEMP).

6.4 **The Coal Authority** – No objections subject to conditions.

6.5 **Council's Waste Collection** – Provide general advice regarding bin storage requirements.

6.6 **Environmental Health** – I write with reference to the revised information submitted for the above application following my comments and discussions with Hydrorock. The following have been revised and re-submitted:

- Hydrorock Consultants Ltd., *Remediation Statement and Verification Plan*, ref 14266-HYD-XX-XX-RP-GE-1002, dated 10<sup>th</sup> June 2022
- Hydrorock Consultants Ltd., *Desk Study Review and Ground Investigation Report*, ref 14266-HYD-XX-XX-RP-GE-1001-S2-P05, dated 10<sup>th</sup> June 2022

These revisions to the documents have taken into account previous comments as such I would recommend we look to remove permitted development rights from properties, to ensure that any future development is safe and suitable for use. A condition is recommended in respect of no building to be erected pursuant to this permission shall be occupied or brought into use until all necessary remedial measures have been completed in accordance with details approved (Hydrorock Consultants Ltd, Remediation Statement and Verification Plan) and it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full.

6.7 **Greasley Parish Council** – Object to the application on the grounds of:

- There are already currently 4 developments going ahead in the immediate vicinity of this application, which will result in an additional 231 new dwellings. This will put additional pressure on the existing, already busy highways and local facilities.
- We and local residents have concerns that this development is in close proximity to the former landfill site known locally as “Matkins Tip” and any potential disturbance of the land adjacent to this, could result in increased emissions of the already identified hazardous substances from the landfill site.
- We therefore seek assurances that should any development of this land go ahead all necessary mitigating measures will be put in place to prevent any harm to local residents and the environment.
- The proposal is to develop the site with additional dwellings and it seems that there will only be a single entrance and exit onto Chewton Street. Chewton Street is an already busy road particularly in the morning and evenings having the Florence Nightingale Academy (formerly Brookhill Leys Primary School) close by and any additional development of this site will only add to the congestion in the area.

6.8 **Councillor Margaret Handley** as Ward Councillor objects to the application on the grounds of Health and Safety through the development of a former landfill site, loss of green open space and increased traffic issues in the area.

6.9 **Environment Agency** – No objections subject to various conditions.

6.10 **Natural England** – Refers to Standing advice.

6.11 **The Coal Authority**

6.11.1 **First Consultation**

Objected to the application in the absence of a Coal Mining Risk Assessment.

6.11.2 **Second Consultation**

We are pleased to see that the submission is now supported by a Coal Mining Risk Assessment, dated 16th September 2021 and prepared by Hydrock. This report has been informed by an appropriate range of sources of information.

In respect of surface mining activity the report authors conclude that there is no evidence that extractive activities have taken place within the site. In regard to the potential for unrecorded shallow coal workings the report authors conclude that the coal seams encountered during the site investigations were found to be intact, with no evidence of voids or shallow workings.

In respect of both of these recorded features the report authors conclude that no further measures are necessary. In respect of the recorded mine entry noted as being close to the site boundary the report authors state that it should be searched

for in order to establish if it lies without the application site. They state that if found to be in the site the mine entry will need to be treated and capped and subject to an appropriate development layout stand –off. Reference is also made to a further potential unrecorded mine entry but this appears to be off-site and close to the recorded feature. The presence of any unrecorded mine entries within this part of the site will therefore be established by the site investigations proposed. We note that no built development is proposed in the corner of the site where the mine entry is reported.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of any Permit application.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

The Coal Authority raise no objections subject to conditions.

- 6.12 **Nottinghamshire Police Designing Out Crime** - Since the proposed development is currently green field there is no specific crime detail available for

the location. As a result it is necessary to use crime data from across the whole of the appropriate Police Safer Neighbourhood Area to identify likely risk at this location. Crime statistics indicate that the development will be situated in a lower crime area however Nottinghamshire Police encourage all developers to minimise the potential for all forms of crime and in specifically acquisitive crime which can be designed out at the planning stage of any new developments.

It is recognised that the developers specify in the Design and Access statement that they intend building to the principles of Secured by Design. However, the application makes no reference to the proposed external property lighting for the properties and their curtilage vehicle parking. In addition, it is unclear why post and wire fencing is proposed for rear boundary divisions when Secured by Design recommends a provision of 1.8m high fencing between neighbouring properties. This can consist of 1.5m solid fencing with a 300mm trellis topping. Nottinghamshire Police are opposed to the post and wire boundary divisions and seek further clarity on the proposed in curtilage property lighting schemes

- 6.13 **Nottinghamshire County Council** – Request contributions via a S106 Agreement for education, bus stop improvements and library provisions.
- 6.14 **Nottinghamshire County Council Local Lead Flood Risk Authority** – Raise no objections subject to a condition relating to the submission of a detailed surface water drainage scheme.
- 6.15 **The Councils Tree Officer** - It appears that the majority of the trees and hedge lines on the site are to remain, there are no tree protection order (TPO) trees on site and it is not within a Conservation Area, so I have no objections to the proposal
- 6.16 **The Councils Housing Officer** - Advises the greatest demand in Eastwood is for one bedroom properties as can be seen from the demand on our waiting list and data provided in the Social and Affordable Housing Needs Study in 2018. However, there is need for all property sizes. As one bedroom properties are not being provided the Council would seek a mixture of two bedroom, three bedroom and four bedroom properties. This was agreed at 10% (50/50 split 12 Rented and 12 Shared Ownership. 10% Affordable Housing would be required with a 50/50 split of 12 Rented and 12 Shared Ownership.
- 6.17 **NHS Nottingham and Nottinghamshire CCG:** Advise no S106 contributions are required due to the overall number of dwellings.
- 6.18 **Written representations** – Four site notices were originally posted, a press noticed published and a total of 141 neighbouring properties were consulted and over 400 responses were received, with 1 letter of support and the remainder raising objections. The grounds of objection are summarised as follows:
- Loss of greenfield land;
  - Loss of views;
  - Loss of wildlife;
  - Impacts on local facilities such as schools, doctors, dentists;
  - Highway safety;
  - Traffic generation;

- Increased traffic along Chewton Street;
- Over development of the area;
- Land previously being a landfill site containing toxic waste;
- Impact on public health from methane etc;
- Ground gas exposure risk leading to unacceptable levels of air pollution;
- Loss of privacy;
- Overlooking;
- Loss of daylight/sunlight;
- Sense of enclosure;
- Noise/dust during construction;
- Excessive Housing density and volume;
- Proposal being contrary to both Local and National Planning Policies.

6.19 A further 500 plus responses were received following re-consultations on amended plans all objecting on the same grounds as mentioned above.

## 7. Assessment

### 7.1 Principle

7.1.1 The main issues relating to this application are the principle of development, design and the impact upon visual amenity of the area, residential amenity and highway safety, the ability to safely develop the site and ensure that there would be no future risk to public safety, flood risk, loss of wildlife and impact on biodiversity. These are discussed in turn as follows:

### 7.2 Principle

7.2.1 Policy 8 of the Broxtowe Aligned Core Strategy (ACS) and Policy 15 of the Part 2 Local Plan 2019 state that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes. Policy 17 of the Part 2 Local Plan states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area. Policy 10 of the ACS (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

7.2.2 The site has previously been an allocated housing site within the Broxtowe Local Plan (2004). However, due to the lack of any certainty about its delivery, given that it had been allocated for the preceding 15 years without coming forward for development, this allocation was not carried forward to the Part 2 Local Plan.

7.2.3 The site is greenfield land in that it has not been previously developed and is located within the housing market of Eastwood in a sustainable location outside of the Nottinghamshire Green Belt. The site is within an urban location on the edge of the town of Eastwood, with many facilities within walking distance of the site. The principle of development of the site for residential purposes is considered acceptable, subject to the consideration of other material planning considerations.

### 7.3 **Design and Visual Amenity**

- 7.3.1 Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy states design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 7.3.2 The housing stock in Eastwood is generally mixed in character with the older housing stock largely being a mix of terraced, semi-detached and detached and newer developments consisting of semi-detached and detached properties. Along Chewton Street there is a mix of two storey terraced, semi-detached and detached. The residential properties to the north of the site on Commons Close are bungalows, whilst dwellings on Wyvern Close are two-storey houses. The two residential properties which abut the site on Braemar Avenue are bungalows, with there also being a mix of house types further along Braemar Avenue. To the south east there is also a relatively new housing development located off Smithurst Road and to the west there are new residential developments located to the side of the A610 Bye Pass located off Newmanleys Road.
- 7.3.3 Access into the site is via a one single point of access through land between numbers 157 and 159 Chewton Street. The access point will lead to the loss of a linear section of land to the side of number 159 which is currently overgrown and a carport serving the dwelling. A clearly defined road network within the site will make the site easily accessible by car, bike and foot with an internal loop road providing the primary circulation around the site with a variety of smaller cul-de-sacs providing pedestrian friendly streets. Existing footpath links through the site will be retained linking the site up to the wider area. A variety of public open spaces are located within the site.
- 7.3.4 The application was originally submitted proposing the provision of a total of 251 dwellings. Following on from the original plans submitted, a design review by Design Midlands was carried out by a multidisciplinary Design Review Panel. The report included a variety of recommendations to improve the original layout of the proposed residential development to allow for better movement around the site, improved public open space provision and cycle/footpath connections and to allow for views through the site over the adjacent fields beyond to the south west and towards Bennerley Viaduct and further afield.
- 7.3.5 Following on from the Design Review amended plans were submitted reducing the number of dwellings from 251 to 244. Further amendments have also since been made to include the provision of 8 single storey dwellings adjacent the northern boundary of the site backing onto the single storey dwellings located on Commons Close, reducing the total number of dwellings to 240.
- 7.3.6 The proposed dwellings comprise a mix of single storey and two storey buildings varying from two to four bedrooms, with various plots benefitting from either integral, attached or detached garages. The development will include a variety of different house types of individual design which add to the individual appearance

of the internal layout of the development. The revised layout still provides one single point of access between numbers 157 and 159 which leads to a road into the site which splits to the east and west. The small section of road to the west will consist of a variety of differing house types fronting onto the highway, with gardens backing onto existing properties on Chewton Street and onto the open space to the rear. A variety of landscaping in the form of small shrubs and trees are proposed to help integrate the development into the local area.

7.3.7 Leading to the east the road continues into the site again with dwellings fronting onto the main road. Various sections of open areas are proposed with driveways to the front of dwellings with the dwellings fronting onto small open spaces, again with a variety of shrubs and trees proposed to be planted. Moving further into the site there are roads situated off the main access road into the site which provide a loop road around the site. From this point the siting of the dwellings will be integrated into and take account of the sloping nature of the land from north to south. A balancing pond is also proposed in the lower levels of the site adjacent the footpath to the east.

7.3.8 In terms of existing hedgerows within the site and along the south east boundary adjacent Halls Lane Public Right of Way these are to be retained. To complement the existing hedgerows, additional landscaping is proposed and this is indicated in detail on the submitted Landscape Plans. The proposed public open space within the site will be managed by the developers and this will be secured through a maintenance company via a S106 Agreement.

7.3.9 To conclude, the variety in appearance of the house types throughout the development along with the open spaces and proposed landscaping will create an interesting and pleasant environment. Whilst it is acknowledged that the character of the site will change from that of a field to one of built development, this will not be at odds with the residential character of the area. The proposal is not considered to have any significant detrimental impact upon the visual amenity of the area and is in accordance with policy 10 of the Aligned Core Strategy and policy 17 of the Part 2 Local Plan.

#### 7.4 Residential Amenity

7.4.1 Objections have been received from neighbouring properties in respect of loss of views, loss of privacy, overlooking, loss of daylight/sunlight, sense of enclosure and noise/dust during the construction period.

7.4.2 The main access road into the site will be situated between existing dwellings fronting Chewton Street numbers 157 – 159. To the rear of numbers 159 – 171 a variety of different two storey house types are proposed. These properties are served by large rear gardens, with a variety of different boundary treatments along the rear boundary with the application site and are set at a higher level. Plot 7 is sited fronting onto the access road into the site and side facing to numbers 159 and 161 Chewton Street. Plots 4 – 8 provide back to back gardens with a separation distances in excess of 25m with numbers 163 – 169 Chewton Street. Plot 9 is also positioned side facing to the rear of number 171 Chewton Street, which again is served by a large linear garden.



- 7.4.3 To the end of the adjoining road to the north west of Braemar Avenue, there are two single storey dwellings numbers 29 and 31. It should be noted that there are no windows on the side facing elevation of these two properties. To the side of number 31 a two storey detached dwelling is proposed (plot 12). To the side of number 29, three two storey dwellings are proposed (plots 9 – 11). These plots will be side by side gardens in excess of 10m. A 1.8m high timber fence is proposed to be erected to the rear of these plots.
- 7.4.4 Further into the site there are existing dwellings located on Wyvern Close which consists of two storey dwellings either backing onto the side or side facing. A variety of two storey detached and semi-detached dwellings are proposed to the rear of these properties with either back to back gardens or rear facing the side elevations of existing dwellings. The plots will be served by rear gardens in excess of 10m, with separation distances in excess of 20m where gardens are back to back. Again a 1.8m high timber fence is proposed along the rear boundary of these plots.
- 7.4.5 As a general rule it is usually considered that gardens serving new dwellings should have a minimum depth of 10m, not only because of the desire to create an adequate separation distance between neighbouring properties, but also to ensure that there is an acceptable amount of usable amenity space.
- 7.4.6 Beyond Wyvern Close there are existing single storey dwellings backing onto the site located on Commons Close. These properties are set slightly higher than the application site and are served by a mix of long linear gardens to the beginning of Commons Close which gradually reduce in length when travelling along the road. Along the rear boundaries of these properties there are various boundary treatments and the properties have been extending over the years to the sides/rear.
- 7.4.7 Plots 214 – 216 are two storey in nature and back onto numbers 43 and 45 Commons Close. These two properties are set at an angle to the proposed plots and there is a separation distance in excess of 20m. Plots 209 – 213 are single storey in nature and are served by rear gardens in excess of 10m. Between plots 208 – 209 there is an area of public open space proposed with a footpath link leading through the centre of the open space connecting with the existing footpath. Further beyond the area of open space a variety of two storey dwellings are proposed backing onto properties located on Commons Close, with the exception of plots 190, 202 and 203 which are single storey, however, these are served by long linear gardens, set away from the boundary with separation distances in excess of 21m from the existing properties located on Commons Close.
- 7.4.8 The remainder of the site will be set within the confines of the overall residential development away from any other residential boundaries. General plot sizes are in excess of 10m and provide adequate separation distances were the plots are sited back to back. The submitted boundary treatment indicates the provision of a 900mm high post and wire fence between plots, with a 1.8m high timber fence along rear boundaries and open boundaries with public open space etc.
- 7.4.9 A condition is recommended restricting the hours of operation on the site to protect the amenity of occupiers of surrounding residential properties.

7.4.10 Whilst the character of the site will change from that of an open field to one of built development, this will not be at odds with the residential character of the area. In view of the above, it is not considered there will be any significant detrimental impact upon the immediate neighbouring properties in respect of overlooking, overbearing or noise impacts.

## 7.5 Highway Safety

7.5.1 The application site is an open field that sits between Chewton Street to the north, the A610 to the south, Braemar Avenue to the west, and Halls Lane to the east. It does not feature as an allocated site for residential use within Broxtowe Borough Council's Part 2 Local Plan 2019, but was previously refused permission under reference 07/00468/FUL for non-highway reasons. Whilst the former submission was for 314 dwellings served from two points of access, the current proposal now has a reduced quantum of development for 240 dwellings with a single point of access.

7.5.2 The proposed point of access to the site is located via land between numbers 157 and 159 Chewton Street, with the demolition of a carport serving number 159. An existing bus stop will require to be re positioned at the developer's expense. It has been advised by the applicant that other access points have been considered and investigated by the applicant, however this single point of access into the site off Chewton Street is the only available access point due to land ownership blocking any other access into the site.

7.5.3 Table 7.1 of the Transport Assessment (TA) predicts the development will generate 136 and 117 trips in the AM and PM peaks respectively. The Highway Authority's own interrogation of the TRICS database has not produced the same results but they are not significantly different to those put forward in the document (133 and 125 for the same period).

7.5.4 Development traffic has then been distributed around the network in accordance with 2011 Census data. Background traffic flows were surveyed during the CV-19 pandemic but have then been grown to reflect pre-pandemic levels which is acceptable. The following junctions were modelled:

- Site access / Chewton Street – The modelling identified no capacity issue in the 2025 with development scenario.
- Newthorpe Common / Chewton Street - The modelling identified no capacity issue in the 2025 with development scenario.
- Chewton Street / Nottingham Road - The modelling identified no capacity issue in the 2025 with development scenario.
- Newthorpe Common / Nottingham Road - The modelling identified no capacity issue in the 2025 with development scenario.
- Nottingham Road / Giltbrook Crescent / Smithurst Road – The Nottingham Road South arm is shown to operate at 86.5% capacity in the PM peak, with anticipated queue lengths of 24 vehicles (2025 base scenario). The

proposed development increases the level of saturation to 90.2% with 28 queuing vehicles in the 2025 base + development scenario.

- Giltbrook Interchange - The proposed trip rates and likely distribution are such that the development is unlikely to generate significant volumes of additional traffic through the gyratory. Google journey planner has also identified the quickest way to Nuthall Island from the site access is to join the A610 from either Newmanleys Road or Gilt Hill. Routing along Nottingham Road and through the Interchange takes the most time.

7.5.5 During the processing of the planning application various revisions to the layout have been requested by The Highway Authority and these have in turn been submitted to overcome concerns regarding the layout of the development. The Highway Authority have no objections to the proposal subject to various conditions.

7.5.6 It is considered that the proposal is of an acceptable design, provides adequate off street parking provision per plot and there will be no significant detrimental impacts upon the surrounding highway network. There are no highway safety issues relating to this proposal.

## 7.6 Developer Contributions

7.6.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategies requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

7.6.2 Full open space contributions of £360,511.20 have been requested for the provision of capital and maintenance contributions to fund improvements to Coronation Park.

7.6.3 Nottinghamshire County Council have requested contributions of £3,950.00 towards bus stop improvements, £180,000 towards bus service support and £8,457 towards Eastwood Library. A further request of £977,652 has also been requested towards secondary education provision, £183,778 towards Post 16 education provision and £90,322 towards Special Education Needs and Disabilities (SEND) in the Broxtowe North Planning Area.

7.6.4 Nottingham and Nottinghamshire NHS Clinical Commissioning Group (CCG) have requested £136,010.62 to invest in Newthorpe Medical Practice, Eastwood Primary Care Centre and Church Walk Surgery.

7.6.5 In accordance with policy 15 - Housing size, mix and choice of the Part 2 Local Plan 2019, a total of 24 dwellings on the site are required to be affordable (50/50

split 12 Rented and 12 Shared Ownership). This will be secured with a suitably worded clause within the Section 106 for the dwellings to be secured on site.

- 7.6.6 In terms of the above financial contributions, the applicant has not disputed the contributions through the submitted of a Viability Statement and has agreed to pay to the required financial contributions through the signing of a S106 Agreement along with the provision of the 24 Affordable Housing Units.

## 7.7 Landscape and Biodiversity

- 7.7.1 Policy 31 of Part 2 Local Plan 2019 states that all development proposals should seek to deliver a net gain in biodiversity and geodiversity and contribute to the Borough's ecological network. Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value, and in particular to meeting objectives and targets identified in the Nottinghamshire Biodiversity Action Plan. It continues to state that in all cases permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm.
- 7.7.2 No statutory or non-statutory protected areas will be adversely affected by the proposals. Whilst the application site immediately abuts the Eastwood By-Pass Dismantled Railway Local Wildlife Site (LWS) this is not readily accessible by members of the public as it comprises woodland on a very steep slope. Furthermore, a new species-rich hedgerow shall be planted on the edge of the site completely separating it from the LWS, providing a further buffer and an additional habitat link. Indeed, proposals to create a SuDS basin close to the LWS, and to surround this basin on three sides with native hedgerow, will provide a natural extension to the LWS. The SuDS basin itself shall be seeded with a wildflower meadow mix for wetlands, with the banks supporting a tussocky grassland mix, to maximise its ecological value, and areas of open space will also be seeded with a wildflower meadow mix.
- 7.7.3 In addition to this, proposals involve the planting of 985 metres of new species-rich hedgerow, and whilst some of the existing hedgerow habitat shall be lost, there will be a net gain of circa 100 metres of hedgerow overall, with the new hedgerow being more species-rich and better-connected than that which is due to be lost.
- 7.7.4 Provision will also be made within the housing stock for nesting birds and roosting bats; 10% of the properties (25 in total) shall be constructed within integrated bird boxes built into them, whilst an additional 10% (25 units) shall receive integrated bat boxes. Roosting bats and cavity nesting birds, such as swift, are therefore likely to benefit substantially from the proposals.
- 7.7.5 Detailed landscaping plans have been submitted with the application indicating detailed landscaping throughout the layout of the development. Nottinghamshire Wildlife Trust raise no objections subject to conditions relating to Reasonable Avoidance Measures (RAMs) and the submission of a Landscape and Ecological Management Plan (LEMP).

7.7.6 It is considered there will not be any impact on the ecology of the site and the surrounding area and given the conditions regarding biodiversity net gain the proposal complies with the NPPF and appropriate policies.

## 7.8 Contamination

7.8.1 Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan 2019 states that Permission will not be granted for development which would result in an unacceptable level of pollution, or is likely to result in unacceptable exposure to sources of pollution or risks to safety. The condition also states that development of land potentially affected by contamination will not be permitted unless a site investigation has been carried out to assess the nature and degree of contamination, using a method agreed in writing with the Council, and details of effective and sustainable remedial measures required to deal with any contamination has been agreed in writing with the Council, taking into account actual or intended uses.

7.8.2 The application site is located adjacent to an historic landfill site that is known to be producing gas due to decomposition of waste. At present there is a gas management regime in place that monitors the gas being produced and this is the responsibility of the land owner. The integrity of this regime is regulated by Nottinghamshire County Council via a previous Section 106 Agreement.

7.8.3 Monitoring the tipped area has previously revealed the presence of landfill gas. Landfill gas primarily consists of methane and carbon dioxide, which has the potential to cause harm to human health under specific circumstances. Landfill gas can migrate to land surrounding its source through the ground, and therefore this issue should be considered and where necessary mitigated if adjacent land is developed. The development site is adjacent land where landfill gas is potentially migrating and as such there is a duty on the land owner/developer to ensure that the site is suitable for its proposed end use.

7.8.4 During the processing of the planning application, the submitted Desk Study Review and Ground Investigation Report and Remediation Statement and Verification Plan submitted by Hydrorock Consultants Ltd have been updated to include further testing/information regarding the site upon the request of the Council's Environmental Health Officer. To mitigate against the risk posed by the development of the site for residential purposes, the following are proposed:

- **Repair of the sewer** - Excavate and disposal of the affected soils and subsequent confirmatory soil sampling and testing.
- **Ground Gas** - Mitigation required by the construction of a passively ventilated subfloor void and installation of suitable gas resistant membrane to all buildings (inc. detached garages). To be installed by trained installer, validated and verified.
- **Further Assessment** – once final site levels are established further assessment may be required around the areas where coal measures are near surface.

7.8.5 In view of the above, the Council's Environmental Health Officer raises no objections to the application but recommends conditions to remove permitted

development rights from the dwellings for extensions etc to ensure that any future development is safe and suitable for use. A further condition is also recommended requiring no building to be occupied or brought into use until all necessary remedial measures have been completed in accordance with details approved (Hydrorock Consultants Ltd., Remediation Statement and Verification Plan); and it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified. Furthermore, in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once this has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must then be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

## 7.9 Flood Risk

- 7.9.1 Concerns have been raised in respect of the existing drainage system within the area being insufficient to take on the additional 240 dwellings. The application site is not located within a flood zone and it is proposed that both surface water and sewage would be connected to existing services, which would require separate permission from Severn Trent Water. Furthermore, this matter would be adequately dealt with under Building Regulations. A surface water attenuation pond is also proposed to bottom section of the site, for which Nottinghamshire County Council have raised no objections subject to a condition requesting the submission of a surface drainage water drainage strategy to be submitted.

## 8 Planning Balance

- 8.1 On balance this scheme would enable the provision of a residential development of 240 dwellings to be constructed on an existing greenfield site in a sustainable location close to the town centre and amenities of Eastwood. The scheme complements the existing built form of the area, without impinging on amenity of those residents currently bordering the site. There are no significant constraints to developing this site that cannot be addressed by conditions, and on balance therefore, it is considered the scheme is acceptable.

## 9 Conclusion

- 9.1 Having regard to all material considerations, the proposed development is required to assist in meeting the borough's overall housing requirement. As the site is located in the main built-up area of Eastwood, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this.

<u><b>Recommendation</b></u>					
<p>The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix and to the signing of a S106 Agreement.</p>	<table border="1"> <tr> <td data-bbox="272 683 403 757">1.</td><td data-bbox="403 683 1426 757"> <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> </td></tr> <tr> <td data-bbox="272 757 403 2054">2.</td><td data-bbox="403 757 1426 2054"> <p>The development hereby permitted shall be carried out in accordance with:</p> <ul style="list-style-type: none"> <li>• Site Location Plan 1: 100 – EA-A-P001-A received by the Local Planning Authority on 24 November 2022.</li> <li>• 201 Dwelling Type – 201/1G;</li> <li>• 405 Dwelling Type – 405/1E;</li> <li>• 250 Dwelling Type – 250/1B;</li> <li>• 301 Dwelling Type – 301/1H;</li> <li>• 303 Dwelling Type – 303/1E;</li> <li>• 314 Dwelling Type – 314/1;</li> <li>• 315 Dwelling Type – 315/1A;</li> <li>• 337 Dwelling Type – 337/1;</li> <li>• 339 Dwelling Type – 339/1;</li> <li>• 401 Dwelling Type – 401/1G;</li> <li>• 403 Dwelling Type – 403/1J;</li> <li>• Detached Single Garage – SD1700;</li> <li>• Detached Double Garage – SD1701 received by the Local Planning Authority 01 March 2021.</li> <li>• 254 House Type – 21-254-U-0001-CO3 received by Local Planning Authority on 21 July 2022.</li> <li>• Proposed Street Scenes – 0767-EA-A-P502E;</li> <li>• Proposed Site Sections – 0767-EA-A-P501E;</li> <li>• Elevation Treatment Plan – 0767-EA-A-P105D;</li> <li>• Proposed Boundary Treatments – 0767-EA-A-P104W;</li> <li>• Proposed Site Colour Layout – 0767-EA-A-G001F;</li> <li>• Proposed Site Layout 1 of 3 - 0767-EA-A-P101T;</li> <li>• Proposed Site Layout 2 of 3 - 0767-EA-A-P102T;</li> <li>• Proposed Site Layout 3 of 3 - 0767-EA-A-P103T received by the Local Planning Authority on 19 October 2022.</li> <li>• Detailed Landscape Proposal 1 of 5 – 3677/4G;</li> </ul> </td></tr> </table>	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:</p> <ul style="list-style-type: none"> <li>• Site Location Plan 1: 100 – EA-A-P001-A received by the Local Planning Authority on 24 November 2022.</li> <li>• 201 Dwelling Type – 201/1G;</li> <li>• 405 Dwelling Type – 405/1E;</li> <li>• 250 Dwelling Type – 250/1B;</li> <li>• 301 Dwelling Type – 301/1H;</li> <li>• 303 Dwelling Type – 303/1E;</li> <li>• 314 Dwelling Type – 314/1;</li> <li>• 315 Dwelling Type – 315/1A;</li> <li>• 337 Dwelling Type – 337/1;</li> <li>• 339 Dwelling Type – 339/1;</li> <li>• 401 Dwelling Type – 401/1G;</li> <li>• 403 Dwelling Type – 403/1J;</li> <li>• Detached Single Garage – SD1700;</li> <li>• Detached Double Garage – SD1701 received by the Local Planning Authority 01 March 2021.</li> <li>• 254 House Type – 21-254-U-0001-CO3 received by Local Planning Authority on 21 July 2022.</li> <li>• Proposed Street Scenes – 0767-EA-A-P502E;</li> <li>• Proposed Site Sections – 0767-EA-A-P501E;</li> <li>• Elevation Treatment Plan – 0767-EA-A-P105D;</li> <li>• Proposed Boundary Treatments – 0767-EA-A-P104W;</li> <li>• Proposed Site Colour Layout – 0767-EA-A-G001F;</li> <li>• Proposed Site Layout 1 of 3 - 0767-EA-A-P101T;</li> <li>• Proposed Site Layout 2 of 3 - 0767-EA-A-P102T;</li> <li>• Proposed Site Layout 3 of 3 - 0767-EA-A-P103T received by the Local Planning Authority on 19 October 2022.</li> <li>• Detailed Landscape Proposal 1 of 5 – 3677/4G;</li> </ul>
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3.	<p>No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No demolition or construction hereby approved shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ol style="list-style-type: none"> <li>a) The means of access for construction traffic;</li> <li>b) parking provision for site operatives and visitors;</li> <li>c) the loading and unloading of plant and materials;</li> <li>d) the storage of plant and materials;</li> <li>e) a scheme for the recycling/disposal of waste resulting from demolition/construction works; and</li> <li>f) details of dust and noise suppression to be used during demolition and construction;</li> <li>g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>h) wheel washing facilities.</li> </ol> <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect nearby residents from excessive disturbance and loss of amenity, in accordance with Policy 19 of the Part 2 Local Plan (2019).</i></p>
5.	<p>No construction, demolition or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p>



	<b><i>Reason: To protect nearby occupants from excessive construction and demolition noise and vibration, in accordance with Policy 19 of the Part 2 Local Plan (2019).</i></b>
6.	<ul style="list-style-type: none"> <li>• No building to be erected pursuant to this permission shall be occupied or brought into use until:- <ul style="list-style-type: none"> <li>(i) All necessary remedial measures have been completed in accordance with details approved (Hydrorock Consultants Ltd., Remediation Statement and Verification Plan); and</li> <li>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</li> </ul> </li> <li>• In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.</li> </ul> <p>An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.</p> <p><b><i>Reason: In the interest of public health and safety, in accordance with Policy 19 of the Part 2 Local Plan 2019.</i></b></p>
7.	<p>No development shall commence until;</p> <ul style="list-style-type: none"> <li>a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</li> <li>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</li> </ul> <p><b><i>Reason: In the interest of public health and safety and in accordance with Policy 19 of the Part 2 Local Plan 2019.</i></b></p>

8.	<p>Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p><i>Reason: In the interest of public health and safety and in accordance with Policy 19 of the Part 2 Local Plan 2019.</i></p>
9.	<p>No planting/obstructions to visibility above 0.6m in height shall be provided within 1 metre behind the highway threshold fronting plots 230 and 240.</p> <p><i>Reason: To maximise the view of oncoming traffic, in the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
10.	<p>No part of the development hereby permitted shall take place until bus-stop BR0017 has been relocated in accordance with details first submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To satisfactorily maintain public transport services, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>Occupation of the proposed dwellings shall not take place until their respective driveway/parking areas have been provided and surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway/parking areas to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
12.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes on drawing 19/300/SKH/001 Revision A has been provided.</p>

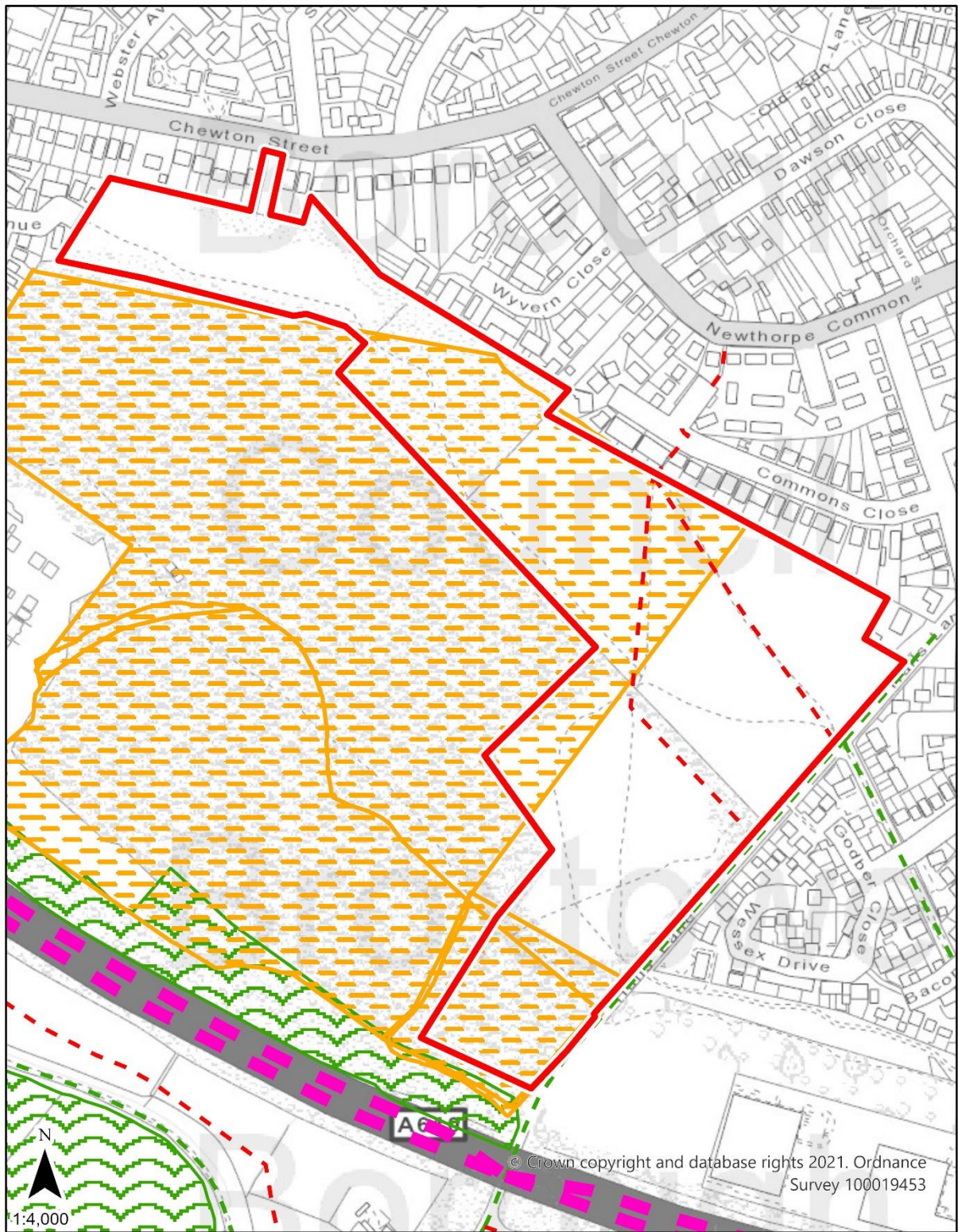
	<b><i>Reason: To ensure a satisfactory means of access, in the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b>
13.	<p>The buildings shall be constructed in accordance with the mitigation measures within section 6 of the Spectrum Acoustic Consultants ref DP600/20368/Rev dated 17/11/20.</p> <p><b><i>Reason: To protect future occupiers from excessive environmental noise, in accordance with Policy 19 of the Part 2 Local Plan (2019).</i></b></p>
14.	<p>a) No removal of hedgerows, trees, or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.</p> <p>b) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals including badger and hedgehog, from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:</p> <ol style="list-style-type: none"> <li>1) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day;</li> <li>2) open pipework greater than 150 mm outside diameter being blanked (capped) off at the end of each working day;</li> <li>3) Keeping all fuel and other harmful substances in a locked area;</li> <li>4) Ensuring any spillages are treated with spill kits;</li> <li>5) Night work should be avoided where possible, and any flood lighting should face away from the Site boundaries; and</li> <li>6) If any fresh sett digging is observed notify an ecologist immediately and leave a 20m buffer around the area until an assessment can be made.</li> </ol> <p>c) If common amphibians are found during works then they should be carefully moved to a safe place off site, in an area that will be unaffected by works and ideally of a similar habitat type.</p> <p>d) To minimise the effect of the proposals on existing habitats, storage of materials and machinery should be on hardstanding and must avoid the root protection zone of trees. Any trees that will be unaffected should be adequately</p>

	<p>protected during the construction works, in line with BS5837:2012.</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>
15.	<p>No development, including site clearance shall commence until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing. Details to be included within the LEMP include:</p> <ul style="list-style-type: none"> <li>• All mitigation recommendations laid down within the ecology report including those for badgers, nesting birds, hedgehogs, and bats;</li> <li>• A plan showing the location of retained and created habitats, including details of appropriate species to plant (eg native species and those with known benefits to wildlife);</li> <li>• Locations of bat boxes, bird boxes, hedgehog highways, and habitat piles (include specifications/installation guidance/numbers);</li> <li>• Mitigation recommendations in relation to retained / created habitats (eg. no spraying of herbicide, fires, or storage of materials adjacent to the LWS);</li> <li>• A comprehensive list of the plant / tree species to be planted on site (these should be native species with known benefits to wildlife);</li> <li>• Appropriate management prescriptions, aimed at increasing biodiversity benefits (for example, mowing regimes timed to allow flowers / grasses to flower and set seed, and timings of hedgerow maintenance to retain a foraging resource for wildlife); and</li> <li>• Schedules for any required post-monitoring and / or maintenance (for example integrated bird / bat boxes).</li> </ul> <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>
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwellings shall be erected without the prior approval of the local planning authority, by way of a formal planning application.</p> <p><i>Reason: In the interest of public health and safety, in accordance with Policy 19 of the 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.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>
3.	The development makes it necessary to construct a vehicular crossing over a footway/verge of 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. You are therefore required to contact <a href="mailto:licences@viaem.co.uk">licences@viaem.co.uk</a> to arrange for the necessary permissions prior to works taking place.
4.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
5.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: <a href="mailto:3015snn@broxtowe.gov.uk">3015snn@broxtowe.gov.uk</a> to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
6.	<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>b)</b> It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a></p> <p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an appropriate agreement. Please contact <a href="mailto:hdc.south@nottsc.gov.uk">hdc.south@nottsc.gov.uk</a> for details.</p>
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Legend

- Site Outline
- Classified Road
- Byway open to all traffic
- Bridleway
- Footpath
- Historic Landfill Sites
- Local Wildlife Site



**Photographs**

Proposed Access Point between Numbers 157 – 159 Chewton Street



Views from end of Braemar Avenue



Rear of Dwellings Located on Commons Close







Halls Lane Bridleway





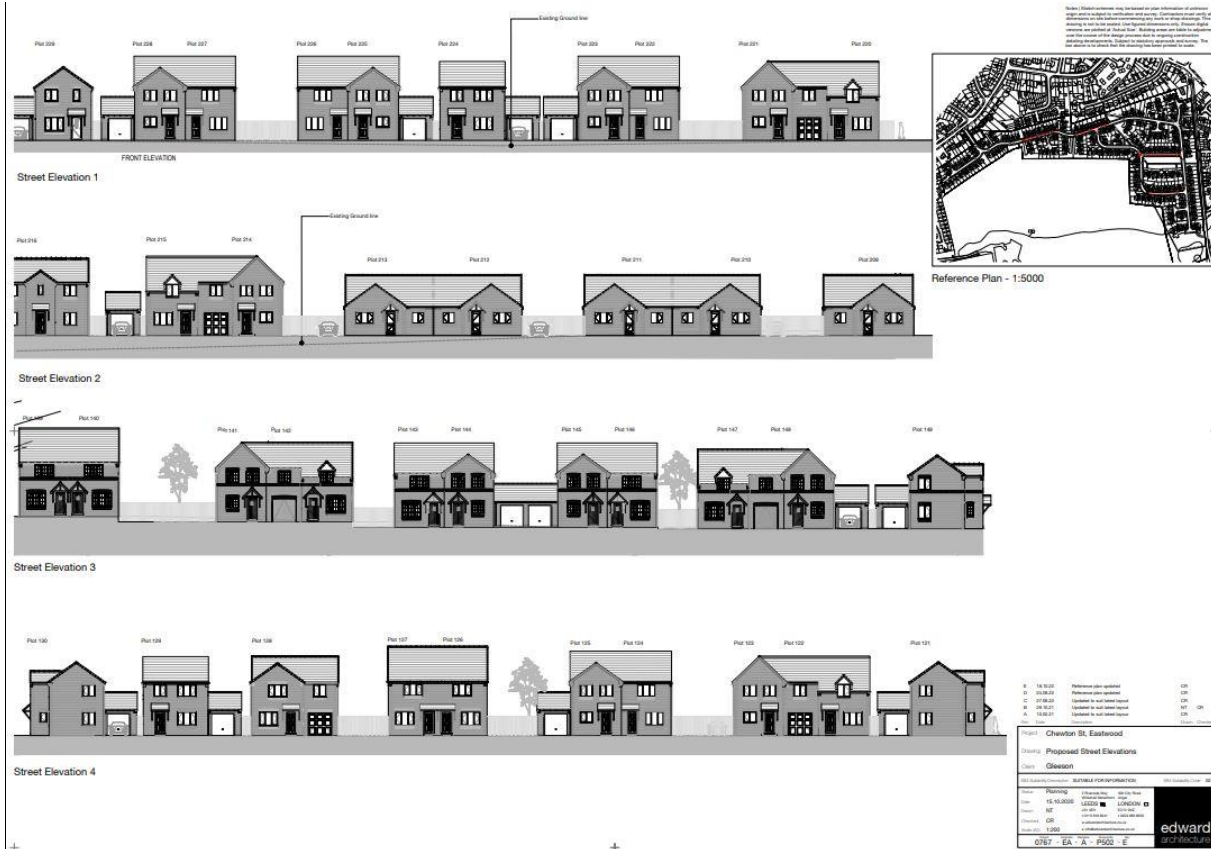


### Plans (not to scale)

## Proposed Site Plan



## Street Scene Elevations



## Typical House Types



