

Report of the Chief Executive

APPLICATION NUMBER:	22/00767/FUL
LOCATION:	Land South Of 50 Pinfold Road, Newthorpe, Nottinghamshire, NG16 2FT
PROPOSAL:	Construct 20 dwellings

Councillor M Brown has requested this application be determined by Committee.

1 Purposes of the Report

1.1 This application seeks consent develop the land for residential purposes. The layout submitted proposes the construction of 20 dwellings in the form of 15 X 3 bedroom two storey dwellings (2 x 2.5 storey) and 5 x 2 bed bungalows. There is one main access point into the site off Pinfold Road which serves all properties. The application includes various site sections showing proposed levels of the access and dwellings in relation to Pinfold Road, Main Street and Baldwin Street.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.

1.3 Detail

1.3.1 The site comprises 0.58ha of former agricultural land which was previously used as a paddock. The site previously consisted of a variety of trees and a hedgerow fronting Pinfold Road which have been removed since the submission of this application but have in part grown back. Most notably there is a mature Oak tree fronting Pinfold Road which is covered by a Tree Preservation Order. The site has a significant change in levels compared with Pinfold Road with the land rising steeply upwards to the east directly behind the roadside hedge creating a level difference of approximately 3 – 4m.

1.3.2 Outline planning permission was previously granted under reference number 12/00712/OUT with all matters reserved except for access and layout for the provision of 20 dwellings. This application has since expired.

1.3.3 Planning permission was previously refused under reference number 20/00687/FUL for the erection of 22 dwellings on the following grounds:

The proposal constitutes an over intensive development of the site and by virtue of the close proximity and single storey nature of the dwellings located on Baldwin Street, the proposal would lead to overbearing, overshadowing and overlooking issues upon the immediate neighbouring properties located on Baldwin Street, to the detriment of their residential amenity. Furthermore, due to the internal roads being private, the proposed development would have a detrimental impact upon the residential amenity of future occupiers of the proposed dwelling through future maintenance of the roads.

Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.



Layout showing previously refused scheme 20/00687/FUL

1.3.4 An appeal was also dismissed with The Inspector considered the main issues were whether or not the proposal would:

- Lead to harm arising to the living conditions of the occupants of Baldwin Street with particular regard to overlooking and a loss of privacy, sense of overbearing and overshadowing; and
- As a consequence of non-adopted internal roads, lead to an adverse effect on future occupants of the development.

1.3.5 The Inspector considered that given the positioning of some of the proposed houses, large swathes of glazing serving habitable rooms facing directly towards the rear gardens and elevations of the bungalows and the land levels across the site that these neighbouring gardens and rear elevations would be substantially overlooked to the detriment of occupants, despite a 21m separation distance or the proposed perimeter boundary treatment. Furthermore, it was considered that due to the proposed houses being positioned to the west of Baldwin Street, there would be an inevitable loss of sunlight to the rear elevations and gardens in the afternoon to these bungalows, further compromised by the change in land levels. The Inspector considered that as a combination of factors, against the modest scale of the bungalows, their low-level outlook, small rear gardens, and orientation with the appeal site, the facts on the ground including land levels across the appeal site, the proposal would lead to harm arising to the occupants of the neighbouring bungalows on Baldwin Street.

1.3.6 The benefits of the proposal are that the residential development would see the development of a vacant site for residential purposes. The proposed dwellings are not considered to be harmful to the character of the surrounding area, or have an unacceptable impact on neighbouring amenity or highway safety.

1.3.7 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix, and to the prior signing of a Section 106 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. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

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

Nil.

APPENDIX

1. Details of the Application

- 1.1 This application seeks consent develop the land for residential purposes. The layout submitted proposes the construction of 20 dwellings in the form of 15 x 3 bedroom two storey dwellings (2 x 2.5 storeys) and 5 x 2 bed bungalows. There is one main access point into the site off Pinfold Road which serves all properties. The application includes various site sections showing proposed levels of the access and dwellings in relation to Pinfold Road, Main Street and Baldwin Street.

2. Site and Surroundings

- 2.1 The site comprises 0.58ha of former agricultural land which was previously used as a paddock. The site previously consisted of a variety of trees and a hedgerow fronting Pinfold Road which have been removed since the submission of this application but have in part grown back. Most notably there is a mature Oak tree fronting Pinfold Road which is covered by a Tree Preservation Order and does not form part of the application site. The site has a significant change in levels compared with Pinfold Road with the land rising steeply upwards to the east directly behind the roadside hedge creating a level difference of approximately 3 – 4m.
- 2.2 The area is characterised by residential development with the west side of Pinfold Road displaying a mix of two-storey semi-detached and detached properties, located on a higher level than the road. To the east is Baldwin Street containing bungalows backing onto the site and situated approximately 0.5m-1m higher than the site. To the south is a detached two storey dwelling set back and largely screened within the street scene of Pinfold Road, whilst to the north further along Pinfold Road and along Main Street there are a mix of detached and semi-detached dwellings set at a high level than the site.

3. Relevant Planning History

- 3.1 Outline planning permission (with all matters reserved except for layout and access) was granted in 2014 under reference 12/00712/OUT to construct 20 dwellings on the site. This planning permission has now expired.
- 3.2 Planning permission was refused under reference number 20/00687/FUL for the erection of 22 dwellings and appeal dismissed.

4. Relevant Policies and Guidance4.1 **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 mix and choice
- Policy 10 – Design and enhancing local identity
- Policy 14 – Managing travel demand
- Policy 16 – Green infrastructure, parks and open spaces
- Policy 19 – Developer contributions

4.2 Part 2 Local Plan 2019:

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

- Policy 15 – Housing size, mix and choice
- Policy 17 – Place-making, design and amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 20 - Air Quality
- Policy 21 - Unstable Land
- Policy 32 – Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

4.3.1 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.

5 Consultations

5.1 **The Council’s Tree Officer:** No objections and provides general advice regarding the protection of the TPO tree.

5.2 **The Council’s Environmental Health Officer:** No objections subject to conditions relating to hours of operation and the submission of a construction/demolition method statement.

5.3 **The Council’s Parks and Environment Manager:** Confirms that full developer contributions would be sought for open space.

5.4 **The Council’s Waste and Recycling Officer:** Provides general advice regarding bin provision for future occupiers of the dwellings.

- 5.5 **Environment Agency:** Advise the site is within Flood Zone 1 and there are no fluvial flood risk concerns.
- 5.6. **Nottinghamshire County Council Local Lead Flood Authority:** No objections.
- 5.7 **NHS Nottingham and Nottinghamshire CCG:** Advise no S106 contributions are required due to the overall number of dwellings.
- 5.8 **Nottinghamshire County Council Policy:** Provides advice regarding planning obligation requirements.
- 5.9 **Nottinghamshire Wildlife Trust:** Provides general advice in respect of the proposal and submitted ecology report.
- 5.10 **Nottinghamshire County Council Highways:** Raise no objections.

5.11 **First Consultation**

Twenty-eight properties either adjoining or opposite the site were consulted along with the posting of 3 site notices in the area, with 17 letters having been received objecting on the grounds of:

- Loss of privacy,
- Overlooking,
- Overdevelopment of site,
- Highway safety,
- Flooding,
- Loss of trees and hedgerows,

6 Assessment

- 6.1 The main issues relating to this application are the principle of development, design and the impact upon visual amenity of the area, residential amenity, highway safety and viability. These are discussed in turn as follows:

6.2 **Principle**

- 6.2.1 The application site is located in a sustainable urban, residential area within Eastwood. The site is currently vacant and was previously used as a paddock. Furthermore, outline planning permission was granted under reference number 12/00712/OUT for 20 dwellings on the site with access and layout being approved and all other matters relating to appearance, scale and landscaping reserved for future consideration under reserved matters. Whilst this application has subsequently expired, in view of the previous planning permission granted on the land, it is therefore considered the principle of residential development on the land has been established subject to careful consideration of other material planning considerations.

6.3 **Design**

- 6.3.1 The housing stock in Eastwood is generally mixed in character with the older housing stock largely being terraced properties and newer developments

consisting of semi – detached and detached properties. Directly opposite the site and to either side of the access road on Pinfold Road there is a mix of detached and semi-detached two storey dwellings. To the west on The Sycamores these dwellings are detached and single storey in nature. Immediately to the east on Newmanleys Road there are two storey detached dwellings. To the east is Baldwin Street containing bungalows backing onto the site. To the north along Main Street there are a mix of detached and semi-detached dwellings set at a high level than the site.

- 6.3.2 The scheme layout has been designed with plots 1 – 9 backing onto Pinfold Road due to the sloping nature of the site. Along the boundary of the plots and to the rear of the pavement a retaining wall is proposed. Plots 10 – 14 are situated running parallel with the rear boundaries of the existing properties along Main Street, as are plots 18 – 20 which are situated on the opposite side of the site, again running parallel with the boundary of number 24 Pinfold Road. Plots 15 – 17 are positioned within the site with plot 17 running parallel with the rear boundary of the properties located on Baldwin Street and plot 15 backing onto the boundary of Baldwin Street. Parking is proposed to the front of the plots and also to the side with the provision of landscaping and private garden areas to the rear of the plots.
- 6.3.3 The plots have been well spaced out within the site in the form of semi-detached dwellings, with the exception of plots 1, 4, 9 and 18 which are proposed to be detached two storey dwellings and plots 14 – 18 which are proposed to be detached bungalows. The house types are relatively simple and modest in their form and massing, with a mixture of pitched roofs and gable ends, with the exception of plot 4 which has been designed to front the street scene due to their prominent position within the development to the side of the access road. Plots 10 and 11 are also proposed to be 2.5 storey due to the rise in land levels of the dwellings located on Main Street. The use of different materials helps to break up the brickwork and add interest to the different elevations of the properties within the development. No information has been submitted in respect of the materials proposed to be used for the external elevations and roofs of the proposed dwellings and a condition is considered necessary for these details to be submitted and approved.
- 6.3.4 In respect of boundary treatments, as previously mentioned the scheme layout has been designed with plots 1 -9 backing onto Pinfold Road due to the sloping nature of the site. Along the boundary of these plots and to the rear of the pavement serving Pinfold Road a retaining wall is proposed. Although no details have been submitted, a condition is considered necessary for these details to be submitted and approved. Between each individual plot 1.8m high close boarded timber fencing will be provided. In addition, a 1.8m high close boarded timber fence is also proposed to the boundaries of the side with the properties located on Main Street, Baldwin Street and Pinfold Road.
- 6.3.5 Whilst the character of the site will change from that of a paddock to one of built development, this will not be at odds with the residential character of the area. It is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Amenity

- 6.4.1 Objections have been received from neighbouring properties in respect of loss of privacy.
- 6.4.2 To the front of the site there are 9 plots proposed. These plots are sited backing onto Pinfold Road due to the sloping nature of the front section of the site. Directly opposite plots 1 – 3 there is the junction of Valley Drive and Pinfold Road. Plots 4 – 9 are sited backing onto the front of numbers 33 and 35 Pinfold Road. These plots are served with rear gardens in excess of 10m. The properties directly opposite are also set back from the main road of Pinfold Road. Whilst the plots will be set higher than Pinfold Road, the distance between these plots and the existing properties on Pinfold Road is considered sufficient to maintain privacy and is not an unusual facing distance on a street of this type and character.
- 6.4.3 In terms of impacts on the existing single storey dwellings located backing onto the site on Baldwin Street, plots 14, 17 and 18 have been orientated to be side facing onto the boundary. Plot 15 will back onto the properties on Baldwin Street, with a rear garden in excess of 9m. A 1.8m high close boarded timber fence is proposed along the boundary of the plots and the existing dwellings on Baldwin Street. Whilst the properties located on Baldwin Street do have small gardens with the addition of conservatories/extensions and garages, separation distances of 21m have been provided back to back with plot 15. The side elevations of plots 14, 17 and 18 will be set in from the boundary and will be served by a low eaves height and pitched roof rising away from the boundary. To the rear of plot 15 there are patio doors proposed serving a lounge area and a small kitchen window. Although there are windows/doors proposed in the side elevations facing the boundary with Baldwin Street, these will be low level and below the overall height of the proposed 1.8m high boundary fence.
- 6.4.4 Plots 10 and 11 are 2.5 storey in nature and back onto the rear gardens of existing properties on Main Street, partly onto the rear garden of number 50 Pinfold Road and will face sideways onto properties located on Pinfold Road. Numbers 238 and 240 Main Street are set at a significant higher level than the application site and site sections have been submitted as part of the application to demonstrate this. In addition, these two properties are served by gardens in excess of 18m in length. Whilst plot 1 will be sited overlooking number 50 Pinfold Road, this would only be a small part of the end of the rear garden. Although 2.5 storey in nature, these properties are served by a dormer window facing into the development to the front and a roof light to the rear. In respect of plots 12 – 14, these are proposed to be two storey in nature, with the exception of plot 14 which is a bungalow.
- 6.4.5 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 (of particular relevance here due to level differences), but also to ensure that there is an acceptable amount of usable amenity space. Whilst some of the plots on the site fall slightly short of this, it is considered the proposal provides an acceptable standard of amenity for future occupiers of the dwellings.

6.4.6 A condition is recommended restricting the hours of operation in respect of construction on the site to protect the amenity of occupiers of surrounding residential properties.

6.4.7 In view of the above, it is not considered there will be any significant detrimental impact upon the immediate neighbouring properties located on Pinfold Road, Main Street or Baldwin Street in respect of overlooking, overbearing or noise impacts.

6.5 Access

6.5.1 Concerns have been raised by local residents in respect of highway safety.

6.5.2 Access is proposed off Pinfold Road situated away from the junction with Pinfold Road and Valley Drive. The Highway Authority raises no objections to the location of the proposed access and it is considered appropriate in order to facilitate an attractive layout. Footpaths have been provided to the front of the development and within the site upon the advice of The Highway Authority. It is also advised that the visibility with the junction along Pinfold Road is acceptable along with the gradient of the access driveway. Adequate parking provision of 2 space per dwelling are provided within the site which is considered acceptable for the proposed 2 and 3 bedroom dwellings.

6.5.3 The Highway Authority advise that the scale of development is such that it would be their strong preference for the internal road layout to be designed to an adoptable standard, and be offered for adoption. The Design and Access Statement indicates an intention to keep the roads private, but this will place a financial burden on the future occupiers to purchase public liability insurance, and to contribute fees towards subsequent maintenance programmes.

6.5.4 In terms of the previous planning application 20/00687/FUL which was refused and dismissed at appeal, in respect of the non adoption of the internal roads, the Inspector noted that a legal agreement had been presented with the appeal that sets out the requirement for a Private Road Scheme including details of future management and maintenance of the roads in perpetuity and any transfer of this to a management company. On that basis, the owners of the properties would become responsible for the costs associated with such maintenance and management through a service charge attached to their property. It was further advised that as the homeowners of the development would be responsible for on-going costs associated with maintenance and management, through the terms and conditions laid out by independent management company, the future buyers of houses would be aware of the legal agreement attached to the development and their obligation to on-going costs, before they decide to commit to buying a house. The Inspector concluded on this issue that there was nothing to lead to conclude that pedestrian safety would be severely compromised as a result of the development or that street lighting that was intended to be implemented at the site would not be acceptable, and that as a consequence of the roads being private estate roads, that this would not lead to a detrimentally adverse effect on highway safety leading to harm arising to the living conditions of the future occupants.

6.5.5 In view of the above, a street lighting scheme has been submitted with the application indicating the location of the street lights. A clause within the Section

106 Agreement will be provided in order to ensure that a management company will be responsible for the future maintenance of the private road, and that the properties served by the private road 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.

6.5.6 To conclude, The Highway Authority raise no formal objections to the proposal subject to various conditions including details of wheel washing facilities to be provided. It is considered there are no highway safety issues relating to this application.

6.6 Developers Contributions

6.6.1 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.

6.6.2 Full open space contributions of £32,686.40 have been requested for the provision of capital and maintenance contributions to fund improvements to Smithurst Road open space area.

6.6.3 Nottinghamshire County Council have requested contributions of £10,100.00 towards bus stop improvements. A further request of £78,762.00 as also been requested towards Secondary Education provision £26,254.00 towards Post 16 Education provision in the Broxtowe North Planning Area.

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

6.6.5 A viability appraisal has been submitted on behalf of the applicant and this concludes that the development would not be viable if all of the above contributions were to be paid. An independent assessor has assessed the viability appraisal and concludes that the development is capable of providing up to £48,000 of Section 106 Contributions, with no provisions towards on-site affordable housing. As such, this figure will be used to meet the requirements of Nottinghamshire County Council in relation to £10,100 for bus stop improvements, with the remainder being split equally between Open Space and Secondary Education at an amount of £18,950 each. There will be no provision of affordable housing.

6.7 Other Issues

- 6.7.1 The site was previously used as a paddock and was overgrown with a variety of trees. These have since been removed along with the former hedgerow fronting Pinfold Road. The submitted ecology report specifically advises that the site does not contain any evidence of bats, badgers or other habitats or features considered likely to support populations of any other protected or notable species.
- 6.7.2 In terms of trees within the site, the submitted tree survey states that the Oak tree is clearly the most important arboriculture feature of the site and will be retained. The tree is protected by a Tree Preservation Order (TPO) and is included with the red line of the application site. The report concludes that the remaining species on the site should not restrict the development of the site and this approach is supported by the Council's Tree Officer. Any works to the tree would require the submission of a separate application due to the TPO.
- 6.7.3 Concerns have been raised in respect of existing flooding issues within the area. Nottinghamshire County Council as the Local Lead Flood Authority, Severn Trent Water and The Environment Agency have all been consulted and raise no objections. It is proposed that both surface water and sewage would be connected to existing services and would require separate permission from Severn Trent Water. Furthermore, this matter would be adequately dealt with under Building Regulations and therefore is not necessary to implement a planning condition given no objections or conditions have been requested from the 3 consultees previously mentioned.

7 Planning Balance

- 7.1 On balance this scheme would enable the provision of a residential development of 20 dwellings to be constructed on a currently vacant site, which would both enhance the environmental quality of the area, and reduce pressure for housing development elsewhere. 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.

8 Conclusion

- 8.1 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, 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. It is recommended that the application be approved subject to conditions and the completed S106 agreement to secure open space, education and bus stop improvements.

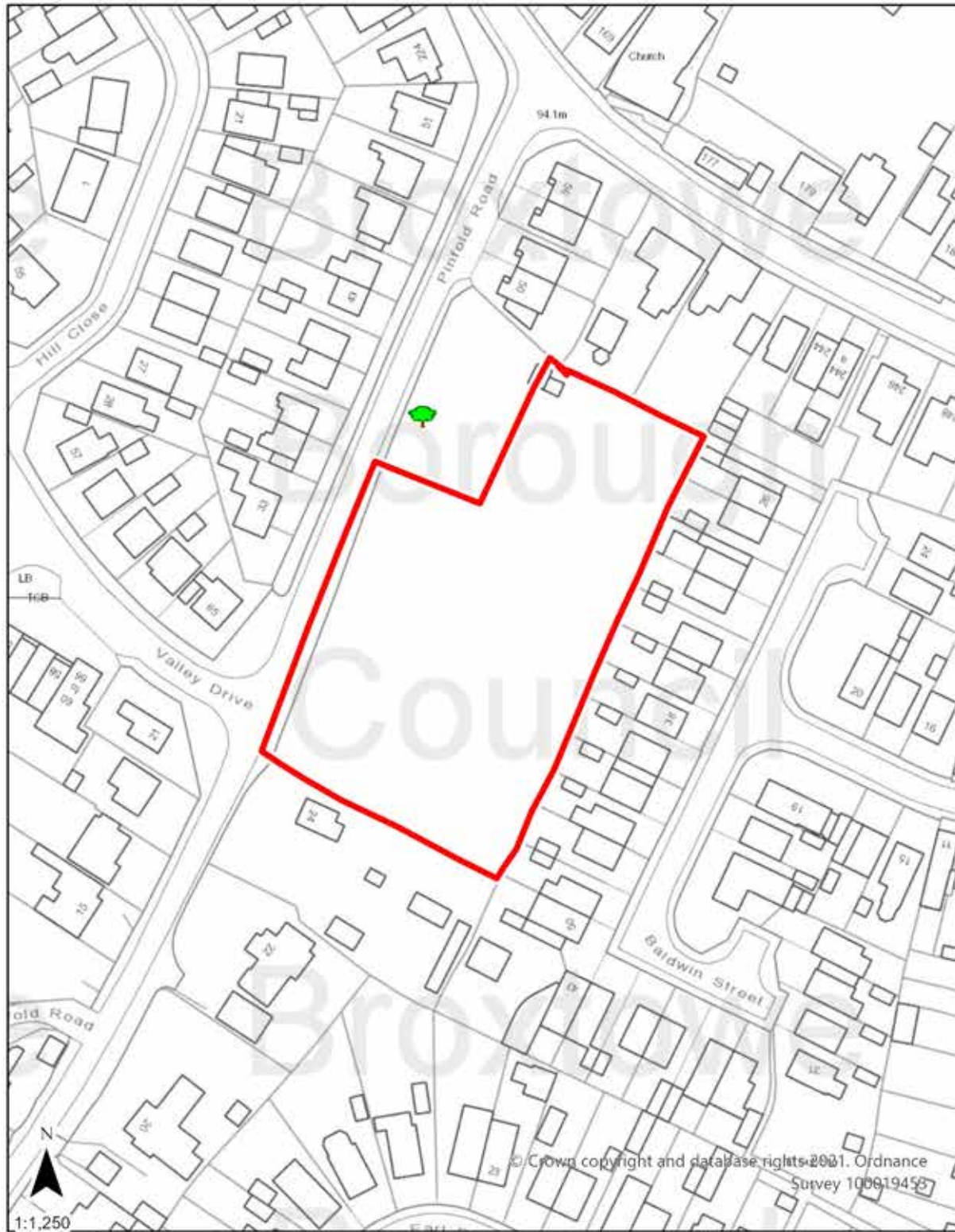
<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</p>	
<p>1.</p>	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with drawing(s) numbered:</p> <p>Site Location Plan 1: 1250, Proposed Elevations/Floor Plans, Plots 1 – 2, 5 – 9, 12, 13, 19 and 20, DB/MS/21/16/02 received by the Local Planning Authority 27 September 2022.</p> <p>Proposed Elevations/Floor Plans, Plots 4, 14 – 17, DBMS/21/16/03, Proposed Elevations/Floor Plans – Plots 10, 11 and 18, DB/MS/21/16/04 received by the Local Planning Authority 01 December 2022.</p> <p>Proposed Site Section, A-A, B-B and C-C, DB/MA/21/16/05A, Site Block Plan, DB/MS/21/16/01B received by the Local Planning Authority on 20 December 2022.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.</p> <p><i>Reason: In the interest of highway safety.</i></p>

<p>4.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council.</p> <p>The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition of the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works / site clearance; f) details of dust and noise suppression to be used during the construction phase. g) a scheme for the identification and safe removal of any asbestos containing material located on site. <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</p>
<p>5.</p>	<p>No building operations shall be carried out above ground level until details of the manufacturer, type and colour of the bricks and tiles 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: To ensure the satisfactory appearance of the development, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>Occupation of the hereby approved dwellings shall not take place until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the access 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 Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>Occupation of the hereby approved dwellings shall not take place until the site access arrangement as shown on approved drawing:</p>

	<p>Site Block Plan, DB/MA/21/16/01B received 20 December 2022 have been provided, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>Occupation of the hereby approved dwellings shall not take place until details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.</p> <p><i>Reason: To ensure that the road infrastructure is maintained to an appropriate standard, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>Operational building works shall be limited to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and at no times on Sundays and Bank Holidays.</p> <p><i>Reason: In the interest of residential amenity, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>10.</p>	<p>No development shall take place above ground level until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed lighting details (f) planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>

<p>11.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>12.</p>	<p>During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.</p> <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>13.</p>	<p>The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.</p> <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>

1.	<p>The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.</p>
2.	<p>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: www.gov.uk/government/organisations/the-coal-authority</p>
3.	<p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]</p>
4.	<p>The off-site improvements associated to this consent will require you to undertake works 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. You are therefore required to contact Via East Midlands on 0115 8042100 to obtain the necessary consents/license.</p>
5.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk 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.</p>
6.	<p>Please note that 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.</p>



Legend

-  Site Outline
-  Single TPO

Photographs

Views of site along Pinfold Road.



Existing site access adjacent number 50 Pinfold Road and TPO Oak Tree.



Number 24 Pinfold Road and view of properties located on Main Street and Baldwin Street.



View of properties on Baldwin Street.



Plans (not to scale)

Site Block Plan



Proposed Street Lighting Plan



House Types



