

## Report of the Interim Chief Executive

<b>APPLICATION NUMBER:</b>	<b>25/00553/VOC</b>
<b>LOCATION:</b>	<b>Land East Of Coventry Lane, Bramcote, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Variation of conditions 2 (approved plans), 6 (materials), 7 (piling), 8 (CMP), 9 (Archaeology), 12 (play equipment details), 14 (LEMP), 15 (CEMP), and 16 (Badger survey) of planning permission 22/00967/FUL</b>

The application is brought to the Committee at the request of Councillor D Watts and Councillor Steve Carr, due to public interest in the scheme in particular drainage proposals.

1. Purpose of the Report

- 1.1 The application seeks planning permission to vary conditions imposed on the original planning application (22/00967/FUL) for the development of the site for residential.
- 1.2 The original application saw planning permission granted for 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works.

2. Recommendation

The Committee is asked to resolve that planning permission be granted for the variation of conditions for the reasons outlined in the appendix.

3. Detail

- 3.1 The application seeks permission to vary the following conditions imposed under 22/00967/FUL: conditions 2 (approved plans), 6 (materials), 7 (piling), 8 (CMP), 9 (Archaeology), 12 (play equipment details), 14 (LEMP – Landscape and Ecology Management Plan), 15 (CEMP – Construction Environmental Management Plan), and 16 (Badger survey).
- 3.2 The application is as a result of Avant, the original housebuilders, with Miller Homes as secondary housebuilder, pulling out of the site, leaving Miller Homes to take on the whole site, along with St Modwen Homes, a subsidiary of Miller Homes. Consequently, there would be a change of house types being built, alongside some minor changes to the layout which needed a change to the approved plans to reflect the house type substitutions.
- 3.3 As Avant had already discharged most of the pre-commencement conditions imposed on 22/00967/FUL, Miller Homes also wish to vary the pre-commencement conditions for those conditions where details had already

been submitted and approved, and to repeat any pre-occupation or regulatory conditions where applicable.

- 3.4 Any pre-commencement conditions not discharged prior to the submission of this application, or where discharged during the life of this application, would be repeated on the decision notice should the variation of condition application be granted.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

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.

5. Legal Implications

- 5.1 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.

6 Data Protection Compliance Implications

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

7. Background Papers:

- 7.1 No background papers.

## APPENDIX

1. Details of the application

- 1.1 The application seeks permission to vary the following conditions imposed under 22/00967/FUL: conditions 2 (approved plans), 6 (materials), 7 (piling), 8 (CMP), 9 (Archaeology), 12 (play equipment details), 14 (LEMP), 15 (CEMP), and 16 (Badger survey), following a change in applicant and housebuilder.

2. Site and surroundings

- 2.1 The application site is a former playing fields, unused for many years, which were previously associated with Bramcote College, a secondary school to the south. The site is bounded by Coventry Lane to the west, a wooded area and railway line to the north, a public right of way (extension of Moor Lane) with a housing estate beyond this, to the east, and a place of worship accessed from Moor Farm Inn Lane to the south.
- 2.2 Residential development is ongoing on sites to the west of Coventry Lane. A new signalised junction is to be provided north of Moor Farm Inn Lane, opposite Sidings Lane, to serve all three developments.

3. Relevant Planning History

## 3.1

Planning		
22/00967/FUL	Construct 470 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works.	Conditional planning permission granted
24/00612/DOC	Discharge of Condition 3 (site investigation), 5 (surface water drainage), 7 (piling), 8 (CMS) and 10 (pump station details) of application reference 22/00967/FUL	All discharged with the exception of condition 5 (surface water drainage)

24/00736/DOC	Discharge of Conditions 22/00967/FUL - Condition 6 - Materials (phase 1 only); Condition 9 - Archaeology; Condition 11 - Landscape (phase 1 only); Condition 12 - Play Equipment; Condition 13 - Solar; Condition 14 - LEMP; Condition 15 - CEMP; Condition 16 - Badger Survey	All discharged with the exception of condition 11 (landscaping, phase 1)
25/00563/DOC	Discharge of condition 9 (archaeology) of 22/00967/FUL	Details discharged 02.09.2025
25/00576/DOC	Discharge of condition 8 (CMS) of planning permission 22/00967/FUL	Pending consideration
<b>Development Monitoring</b>		
22/00967/FUL	Section 106 Agreement dated 30.08.2024 (LLC394)	AGREED

#### 4. Relevant Policies and Guidance

##### 4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 1 - Climate Change
- Policy 2 - The Spatial Strategy
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 12 - Local Services and Healthy Lifestyles
- Policy 13 - Culture, Tourism and Sport
- Policy 16 - Green Infrastructure, Parks and Open Space
- Policy 17 – Biodiversity

#### 4.2 Part 2 Local Plan 2019

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

- Policy 3 - Main Built up Area Site Allocations
- Policy 15 - Housing Size, Mix and Choice
- Policy 17 - Place-making, Design and Amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 21 - Unstable Land
- Policy 24 - The Health and Wellbeing Impacts of Development
- Policy 25 - Culture, Tourism and Sport
- Policy 28 - Green Infrastructure Assets
- Policy 31 - Biodiversity Assets

#### 4.3 National Planning Policy Framework (NPPF) 2024

- 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 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

### 5. Consultations

#### 5.1 Consultees

- Cllr H Land - Bramcote Ward – no comment
- Cllr A Kingdon - Bramcote Ward – Supports call in to committee by Councillors Watts and Carr
- Cllr D K Watts - Bramcote Ward – called in to committee
- Bramcote Neighbourhood Forum – no response
- **County Council as LLFA** – As this is a variation of conditions application that does not relate to drainage, no comments as the LLFA will expect to be consulted at discharge of condition stage.

#### 5.2 47 Neighbours were consulted on the application. 5 responses were received, with the following comments:

- Remain concerned regarding surface water along the length of Moor Lane that flows onto Sloan Drive
- Will hedges along Moor Lane be retained, important to biodiversity
- In the CMP (Construction Management Plan), compound areas are shown to be located close to Latimer Drive, this is already lead to unnecessary noise, dust, pollution and disturbance, along with proximity of the materials store. Not acceptable and location needs to be reviewed

- The drainage proposal seeks to be designed so as to not increase the chance of (surface water) flooding on the eastern boundary, but this should be seeking to eliminate this risk
- Note inclusion of bat boxes on new houses, ask how bats are to be catered for during construction
- No reference to seagulls which are abundant on the site
- Disappointed to see historic pond on the site being filled in
- Management of invasive species on site not explored in the LEMP or CEMP

5.3 The application was also called in to committee by Councillor S Carr, the neighbouring ward councillor, for the same reasons as Councillor Watts.

## 6. Assessment

### 6.1 Principle

6.1.1 The principle of the development of the site for 470 residential units has been established under 22/00967/FUL.

### 6.2 Change to House Types, Layout and Choice of Materials – conditions 2 and 6

6.2.1 The number of dwellings would not change from that approved under 22/00967/FUL. Generally, the mix of house sizes and bedrooms would be maintained. The design and appearance of the houses as proposed by Miller / St Modwen are considered to be acceptable and similar to those previously approved under the Miller phase of the development.

6.2.2 Details of the proposed bricks and tiles have been submitted. The bricks allow for a mix of five different red bricks throughout the site, and a choice of two grey and dark grey tiles. Other materials include black doors and rainwater goods, with a mix of white or black window fascias. Overall, the choice of materials are considered acceptable and contribute to a cohesive palette of materials for the wider development.

6.2.3 Changes to the layout would be in the main relatively minor, seeing the road layout maintained as approved. The main changes to the layout see the play area moved to a central location, in place of the existing pond, which will be removed. An attenuation pond would be located to the west of the site, where the approved play area was to be located. It is considered that these changes to the layout and location of play area are acceptable and would still achieve the overall aims of the residential development, which are to provide adequate play area and consideration of the location of surface water mitigation.

### 6.3 Other conditions to be varied

6.3.1 Condition 7 – Piling. Details to comply with condition 7 were approved under application reference 24/00612/DOC on 24<sup>th</sup> February 2025. It is proposed that

the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.

- 6.3.2 Condition 8 – Construction Management Plan (CMP). Details to comply with condition 8 were approved under application reference 24/00612/DOC. It is proposed that the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.
- 6.3.3 Condition 9 – Archaeology. Details to comply with condition 9 were approved under application reference 24/00736/DOC. However, since that approval, further details have been submitted to be approved under reference 25/00563/DOC. These details have now been approved and as such the wording of the condition would be updated to reflect this.
- 6.3.4 Condition 12 – Play Equipment Details. This condition relates only to the play equipment and not the siting. Amended details have been submitted as part of this application. The play equipment includes equipment which is inclusive, with appropriate surfacing, seating and enclosure. The wording of the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.
- 6.3.5 Condition 14 - (LEMP – Landscape and Ecology Management Plan). Details to comply with Condition 14 were approved under reference 24/00736/DOC on 24<sup>th</sup> February 2025. The wording of the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.
- 6.3.6 Condition 15 - (CEMP – Construction Environmental Management Plan). Details to comply with condition 15 were discharged under application reference 24/00736/DOC on 24<sup>th</sup> February 2025. The wording of the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.
- 6.3.7 Condition 16 – Badger Survey. Details to comply with condition 16 were discharged under application reference 24/00736/DOC on 24<sup>th</sup> February 2025. The wording of the condition shall therefore be amended to ensure that the development is carried out in accordance with the approved details.
- 6.3.8 It is important to note that pre-commencement conditions yet to be formally discharged include Condition 5 – Surface Water Drainage Scheme, and Condition 11 – Landscaping. Unless these details are approved prior to the determination of this Variation of Condition application then these conditions would need to be repeated in full on the decision notice. All other conditions that do not form part of the pre-commencement conditions (for instance, pre-occupation or regulatory conditions) would be repeated.
- 6.4 Other Matters

- 6.4.1 As outlined in paragraph 6.3.8, details of surface water drainage scheme have yet to be agreed. A condition would be imposed to ensure details are submitted and approved prior to commencement on site.
- 6.4.2 In respect of hedgerows along Moor Lane, there are no proposals to remove these. Further details of landscaping remain to be approved and a condition would be imposed on any revised decision notice.
- 6.4.3 The details of the CMP have already been approved to the satisfaction of the Highway Authority and Environmental Health. Any disturbance would be for the short term whilst the development is under construction, however should any disturbance or pollution be considered excessive, this can be reported to the Environmental Health team to investigate.
- 6.4.4 Matters relating to bats and birds and any other wildlife have been assessed and approved under conditions 14, 15 and 16, as have the habitat on site.

**7. Planning Balance**

- 7.1 On balance and subject to the amendment of the relevant conditions and to inclusion of any pre-commencement condition where not yet agreed, along with pre-occupation and regulatory conditions, the proposed variation of conditions are considered to be acceptable.

**8. Conclusion**

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify refusing the variation of condition application.

**Recommendation**

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

**(i) the following conditions:**

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| <b>1.</b> | <p><b>The development hereby permitted shall be commenced before 30.08.27, that is, before the expiration of three years following the granting of planning permission under reference 22/00967/FUL.</b></p> <p><b><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></b></p> |
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2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <ul style="list-style-type: none"><li>• 47039/001 REV A - Proposed Exploratory Hole Location</li><li>• BRAM/BT/01 Boundary Treatments BRAM/BT/01 REV B Boundary Treatments</li><li>• Miller Homes House Type Pack July 2025</li><li>• St Modwen House Type Pack</li><li>• Miller and St Modwen Schedule of Accommodation</li><li>• NC1v-004 REV 1.1 (substation details)</li><li>• 3942/8 REV B (Plot Landscaping Plan sheet 3)</li><li>• 3942/9 REV B (Plot Landscaping Plan sheet 4)</li><li>• 3942/10 REV A (plot landscaping plan sheet 5)</li><li>• 3942/11 REV A (plot landscaping plan sheet 6)</li><li>• 3942/12 REV - (plot landscaping plan sheet 1 of 4)</li><li>• 3942/13 REV - (plot landscaping plan sheet 2 of 4)</li><li>• 3942/14 REV - (plot landscaping plan sheet 3 of 4)</li><li>• 3942/15 REV - (plot landscaping plan sheet 4 of 4)</li><li>• BRAM/PL/01 REV D Planning Layout</li><li>• BRAM/DPL/01 Detailed Planning Layout</li><li>• BRAM/DPL/02 Detailed Planning Layout</li><li>• 25011-BMC-25-XX-DR-C-811-01 P01 Visibility Plan Sheet 1 of 2</li><li>• 25011-BMC-25-XX-DR-C-811-02 P01 Visibility Plan Sheet 2 of 2</li><li>• 25011-BMC-25-XX-DR-C-812-01 P01 Refuse Vehicle Tracking Sheet 1 of 4</li><li>• 25011-BMC-25-XX-DR-C-812-02 P01 Refuse Vehicle Tracking Sheet 2 of 4</li><li>• 25011-BMC-25-XX-DR-C-812-03 P01 Refuse Vehicle Tracking Sheet 3 of 4</li></ul>

	<ul style="list-style-type: none"> <li>• 25011-BMC-25-XX-DR-C-812-04 P01 Refuse Vehicle Tracking Sheet 4 of 4</li> <li>• ADC2733-DR-001 REV P5 (Off-site Highway works)</li> <li>• BRAM/BSD/001 Bus Stop Distribution Plan</li> <li>• BRAM/EMP/01 Ecology Mitigation Plan BRAM/EMP/02 Ecology Mitigation Plan</li> <li>• BRAM/ML/01 - Materials Layout</li> <li>• BRAM/ML/01 REV C - Materials Layout</li> <li>• BRAM/SIS/001 Site Sections</li> <li>• Surface water pump station drawing 3470-21752-003</li> <li>• Q9229_C Play Equipment</li> </ul> <p>Received by the Local Planning Authority on 25.07.25</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No building within a phase to be erected pursuant to this permission shall be first occupied or brought into use until:</p> <ul style="list-style-type: none"> <li>i) All the necessary remedial measures for that phase have been completed in accordance with Eastwood Consulting Engineers, <i>Geotechnical and Geo-environmental Site Investigation</i>, ref 47039 – Issue 5, dated July 2023 and Eastwood Consulting Engineers, <i>Remediation Implementation Plan</i>, Ref 47039-ECE-XX-XX-RP-C-0004, REVISION 2, dated July 2023; and</li> <li>ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures for that phase have been implemented in full and that they have rendered the phase free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.</li> </ul> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>
4.	<p>The development hereby permitted within a phase shall not be commenced (excluding the carrying out of any site investigation and/or remediation works) until:</p> <ul style="list-style-type: none"> <li>a) any remediation works and/or mitigation measures to address the mine entries and the shallow coal mine workings, as may be</li> </ul>

	<p>necessary, have been implemented within a phase in full in order to ensure that the site within that phase is safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>
5.	<p>The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme for that phase shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the development will use SuDS throughout the phase as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.</li> <li>• Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area within that phase.</li> <li>• Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme for that phase, including details on any attenuation system, the outfall arrangements and any private drainage assets within that phase.</li> <li>• Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.</li> <li>• No surcharge shown in a 1 in 1 year.</li> <li>• No flooding shown in a 1 in 30 year.</li> <li>• For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.</li> <li>• Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from that phase.</li> <li>• Provide a surface water management plan for that phase demonstrating how surface water flows will be managed</li> </ul>

	<p>during construction to ensure no increase in flood risk off site.</p> <ul style="list-style-type: none"> <li>• Evidence of how the on-site surface water drainage systems for that phase shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.</li> </ul> <p><i>Reason: To ensure the development is in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of Broxtowe Part 2 Local Plan (2019).</i></p>
6.	<p>The development hereby permitted shall be built in accordance with the materials schedule set out on drawing numbers BRAM/ML/01 and BRAM/ML/01 REV C unless otherwise agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and 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>
7.	<p>The development hereby permitted shall be carried out in accordance with Eastwoods Pressure Grouting Specification report, ref 47039-003, dated 18 October 2023.</p> <p>If the method of construction alters and seeks to involve piling or other penetrative foundation design, development shall not commence until details of any necessary piling or other penetrative foundation design for that phase have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>
8.	<p>The development hereby permitted shall not be commenced within a phase (excluding the carrying out of any site investigation and/or remediation works) other than in accordance with the following details approved 31.03.25:</p> <ul style="list-style-type: none"> <li>• Construction Management Plan March 2025</li> <li>• Email received 30.03.25 agreeing to: <i>any mud/detritus discharged to the public highway will be removed as quickly</i></li> </ul>

	<p><b><i>as practicable. Coventry Lane is a Local Road that does not form part of the Trunk Road network.</i></b></p> <p>The approved statement shall be adhered to throughout the construction / demolition period.</p> <p><b><i>Reason: In the interests of highway and rail safety, and residential amenity, 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></b></p>
9.	<p>The development hereby permitted shall be implemented in full in accordance with Written Scheme of Investigation for Archaeological Monitoring, Earthwork Survey and trial Trench Evaluation – Report Number YA/2024/210, received 04.08.25 and approved 02.09.25.</p> <p><b><i>Reason: In order to safeguard potential designated and non-designated heritage assets in accordance with Policy 11 of the Broxtowe Aligned Core Strategy (2014), and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
10.	<p>The Surface Water Pump Station shall be constructed in accordance with drawing number 3470-21752-003 and retained for the lifetime of the development.</p> <p><b><i>Reason: In the interests of the appearance of the area and 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></b></p>
11.	<p>The landscaping scheme shall be carried out in accordance with the following drawings:</p> <ul style="list-style-type: none"> <li>• 3942/8 REV B (Plot Landscaping Plan sheet 3)</li> <li>• 3942/9 REV B (Plot Landscaping Plan sheet 4)</li> <li>• 3942/10 REV A (plot landscaping plan sheet 5)</li> <li>• 3942/11 REV A (plot landscaping plan sheet 6)</li> <li>• 3942/12 REV - (plot landscaping plan sheet 1 of 4)</li> <li>• 3942/13 REV - (plot landscaping plan sheet 2 of 4)</li> <li>• 3942/14 REV - (plot landscaping plan sheet 3 of 4)</li> <li>• 3942/15 REV - (plot landscaping plan sheet 4 of 4)</li> </ul>

	<p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: To ensure that the details are satisfactory in the interests of the appearance of the area and 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>
12.	<p>No more than 70% dwellings shall be occupied until the approved play equipment has been provided and made available for use.</p> <p><i>Reason: In the interests of the appearance of the area and 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>
13.	<p>No above ground works shall take place within a phase until details of solar panels for that phase, including design, appearance and location, have been submitted to and approved by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the approved details prior to first occupation.</p> <p><i>Reason: In the interests of addressing climate change, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
14.	<p>The development hereby approved shall be implemented in accordance with the Landscape and Ecological Management Plan (LEMP) (reference BG25.317 July 2025).</p> <p><i>Reason: In the interests of ensuring that biodiversity enhancements can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
15.	<p>The development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) (reference BG25.317 July 2025).</p> <p><i>Reason: In the interests of protecting existing environmental features and habitats during the construction period, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>

16.	<p>The development hereby approved shall be implemented in accordance with the approved Badger Survey (Baker Consultants, October 2024).</p> <p><i>Reason: In the interests of safeguarding protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>Prior to first occupation of the development within a phase, or the development within a phase being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the phase 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 for that phase to address the risks posed by the recorded mine entry.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019)</i></p>
18.	<p>No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new bus stops located on Coventry Lane fronting the development to the south of the access junction have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole; polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p>
19.	<p>No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of two new pairs of bus stops (four in total) within the site including two safeguarded bus stop locations within the site to facilitate the counter direction operation and two stops with infrastructure to facilitate single direction working have been submitted to and approved in writing by the Local Planning Authority. Details of the bus stops should include: real time bus stop poles and displays; low voltage power source to within 1 metre of the real time information pole;</p>

	<p>polycarbonate bus shelter; solar or electric lighting; raised boarding kerbs; hardstands and enforceable bus stop clearways, and a timetable for installation. The infrastructure shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p>
20.	<p>No dwelling shall be occupied until the off-site highway works relating to the site access, and no more than 50 dwellings shall be occupied until the associated highway improvements including improved cycle lanes shown indicatively on drawing reference ADC2733-DR-001 revision P5 received 25.09.23 have been provided.</p> <p><i>Reason: In the interests of highway safety 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>
21.	<p>No dwelling shall be occupied until the boundary enclosure, parking and access pertinent to that dwelling have first been provided in accordance with the approved details. Parking bays shall be surfaced in a material other than loose gravel for a minimum of 5 metres behind the highway boundary and shall be constructed so as to prevent the discharge of surface water to the public highway and retained as such for the lifetime of the development.</p> <p><i>In the interests of the appearance of the area and to ensure highway safety and 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>
22.	<p>No dwelling shall be occupied until the noise mitigation measures as approved under BWB ref 220488-003 for that dwelling have been installed and shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>



23.	<p>No dwelling shall be occupied until an Electric Vehicle Charging point for that dwelling has first been provided and made operational.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p>
24.	<p>No more than 10% dwellings within a phase shall be occupied until a travel plan co-ordinator has been appointed for that phase. The travel plan co-ordinator shall then be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan, and whose details of shall be submitted to the Local Planning Authority. The travel plan co-ordinator shall thereafter remain in place for a minimum period of 5 years to perform this role, with any changes in details to be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p>
25.	<p>The revised Travel Plan (reference ADC2773-RP-D received 04.10.23) shall be implemented and monitoring carried out in accordance with the approved details contained within the Travel Plan.</p> <p><i>Reason: In the interests of promoting sustainable travel in accordance with Policies 14 and 15 of the Broxtowe Aligned Core Strategy (2014) and Policy 20 of the Broxtowe Local Plan Part 2 (2019).</i></p>
26.	<p>If, during development, contamination not previously identified is found to be present at within a phase then no further development (unless otherwise agreed in writing with the local planning authority) within a phase shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><i>Reason: In the interests of public health and safety as well as prevention of contamination to the water system and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy</i></p>

	<b><i>(2014) and Policies 1 and 19 of the Broxtowe Local Plan Part 2 (2019).</i></b>
<b>27.</b>	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 - 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank / Public Holidays.</p> <p><b><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></b></p>
<b>28.</b>	<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 buildings within a phase, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><b><i>Reason: In the interests of the appearance of the area and 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></b></p>
	<b>NOTES TO APPLICANT</b>
<b>1.</b>	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
<b>2.</b>	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.

3.	<p>The County Council Public Rights of Way team advise:</p> <ul style="list-style-type: none"><li>• There should be no disturbance to the surface of the paths without prior authorisation from the Rights of Way team.</li><li>• If the Public Right of Way is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.</li><li>• If a structure is to be built adjacent to the paths, the width of the right of way is not to be encroached upon.</li><li>• Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.</li><li>• The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line, ensuring that it is cut back so as not to interfere with the right of way.</li><li>• Should scaffolding be required on or over the RoW then the applicant should apply for a license via email <a href="mailto:licences@viaem.co.uk">licences@viaem.co.uk</a> and ensure that the scaffold is constructed so as to allow the public use without interruption.</li><li>• If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), via email <a href="mailto:countryside.access@nottsc.gov.uk">countryside.access@nottsc.gov.uk</a></li></ul> <p>If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <a href="http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit">http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit</a> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status e.g. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic.</p>
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4.	<p>The Council's Waste and Refuse team advise:</p> <ul style="list-style-type: none"><li>• Developer to purchase the first time provision of bins. Notice served in due course.</li><li>• Each property would be allocated the following:<ul style="list-style-type: none"><li>• 1 x 240 litre bin for residual waste</li><li>• 1 x 240 litre bin for recycling waste</li><li>• 1 x 37 litre bag for glass</li></ul></li><li>• The size of a 240 litre bin is 1074mm (h) x 580mm (w) x 734mm (d)</li><li>• Bins need to be presented at the edge of adopted highway for emptying or within 15m of the adopted highway in accordance with BS5906 for properties on private roads</li><li>• The layout in the design and access statement appears to show some roads servicing properties are unadopted. The refuse vehicle and operatives will not enter these roads to collect, empty and return bins</li><li>• The road needs to be wide enough to accommodate the access and manoeuvring of a vehicle with the attached specification</li></ul>
5.	<p>The Environment Agency advise:</p> <p>The proposed development is located on or within 250 metres of a landfill site that is potentially producing landfill gas.</p> <p>Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.</p> <p>The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.</p> <p>Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there is no previous evidence of landfill gas migration from the site that could affect the proposed</p>

	<p>development. This environmental monitoring data from the site is available on our public register.</p> <p>The following publications provide further advice on the risks from landfill gas and ways of managing these:</p> <ul style="list-style-type: none"> <li>• Waste Management Paper No 27</li> <li>• Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'</li> <li>• Building Research Establishment guidance - BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001</li> <li>• Building Research Establishment guidance - BR 212 'Construction of new buildings on gas-contaminated land' 1991</li> <li>• CIRIA Guidance - C665 'Assessing risks posed by hazardous ground gases to buildings' 200</li> </ul>
6.	<p>The Coal Authority advise:</p> <p>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 a Permit application.</p> <p>The undertaking of remedial measures, prior to the commencement of the development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.</p> <p>Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:  <a href="https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property">https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</a></p> <p>Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for</p>

	<p>significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:  <a href="https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries">https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</a></p>
7.	<p><b>Network Rail advise:</b></p> <p><b>Wayleaves and or easements for underline drainage assets:</b>  The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.</p> <p><b>Protection of existing railway drainage assets within a clearance area:</b>  There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.  No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.  There must be no interfering with existing drainage assets/systems without Network Rail's written permission.  The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact <b>Asset Protection</b> (<a href="mailto:assetprotectioneastern@networkrail.co.uk">assetprotectioneastern@networkrail.co.uk</a>) for further information and assistance.</p> <p><b>Fail Safe Use of Crane and Plant</b>  All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.</p> <p>With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following: crane usage adjacent to railway infrastructure is subject to stipulations</p>

on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

#### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

#### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### **Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

#### **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

**Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

**Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

**ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**Access to the Railway**



	All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
8.	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.
9.	The Travel Plan coordinator shall commission travel surveys and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar method to be approved after the first, third, and fifth year after 50% occupation, and produce monitoring reports at intervals as required by the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority.
10.	<p>Nottinghamshire County Council as Highway Authority advise:</p> <ul style="list-style-type: none"> <li>• Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). 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, and /or 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 after Planning Permission is granted.</li> <li>• Correspondence with Highway Authority should be addressed to: <a href="mailto:hdc.south@nottscc.gov.uk">hdc.south@nottscc.gov.uk</a></li> <li>• The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at: <a href="http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide">www.nottinghamshire.gov.uk/transport/roads/highway-design-guide</a></li> <li>• 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 by installing wheel washing facilities on site.</li> <li>• 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</li> </ul>

	<p>amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact <a href="mailto:hdc.south@nottsgov.uk">hdc.south@nottsgov.uk</a> for details.</p>
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Map





**Plans (not to scale)**

Miller Homes Layout:



St Modwen layout:



Extracts from Miller Homes House Types:







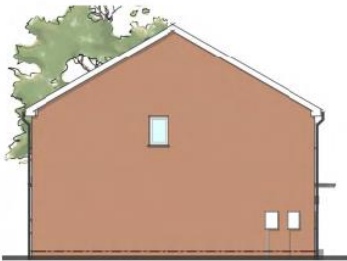


Extracts from St Modwen Homes House Types:





Front Elevation



L.H. Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan



R.H. Side Elevation

\* INDICATES OPTIONAL WINDOW POSITIONS FOR ALTERNATIVE HANDING.

AL22- Shermont

DRAWING NO. AL22B15BH  
DATE 16.06.25  
SCALE 1:100 @ A3 REV



Front Elevation



Side Elevation 1



Side Elevation 2



Ground Floor Plan



First Floor Plan

H383 - Wintley

DRAWING NO. 1000  
DATE 09/05/2025  
SCALE 1:100 @ A3 REV







