

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>18/00377/FUL</b>
<b>LOCATION:</b>	<b>LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NG9 2TH</b>
<b>PROPOSAL:</b>	<b>CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING</b>

Councillor S Carr has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 The application was first brought before Planning Committee on 24 April 2019 with a recommendation for refusal because the applicant had not agreed to provide an affordable housing contribution (original report attached as part of appendix 2). Members deferred making a decision on the application as at the meeting, the applicant stated an affordable housing contribution would be made in line with the Council's request. The application was due to be reported to the May meeting (report attached as appendix 2) but was deferred following receipt of a late objection from Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall.
- 1.2 A graded gabion wall system which can be planted with grasses/wildflowers with a hedgerow planted at the top of this gabion wall is now proposed. Trees will be planted beside the edge of Tottle Brook. Bird and bat boxes will be incorporated within the proposed 14 houses. It is considered that these measures are sufficient to address the concerns raised by NWT and will maintain a wildlife corridor beside the Tottle Brook. Conditions will be used to secure the appropriate detail and design of these measures.
- 1.3 The benefits of the scheme are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the s106 Agreement. There would be some impact on biodiversity but this impact is considered to be outweighed by the benefits of the proposal.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the prior completion of a s106 Agreement and the conditions outlined in the appendix.

## APPENDIX 1

1 Details of the Application

1.1 The application was first brought before Planning Committee on 24 April 2019 with a recommendation for refusal because the applicant had not agreed to provide an affordable housing contribution (original report attached as part of appendix). Members deferred making a decision on the application as at the meeting, the applicant stated an affordable housing contribution would be made in line with the Council's request. The application was due to be reported to the May meeting but was deferred following receipt of a late objection from Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall and impact on biodiversity. It is now proposed to use a 'green' gabion wall system that will be angled/graded rather than presenting a straight vertical edge and the proposed system will enable it to be planted with grasses/wildflowers to encourage biodiversity and to soften the appearance of the wall. Two sets of steps have been included within the wall to enable access for maintenance. A native hedge would be planted at the top of the wall and trees would be planted along the edge of the Tottle Brook (beside the base of the wall). Bat and bird boxes are proposed to be incorporated into the dwellings (one per house on the south elevation).

2 Consultations (additional to those included in the April report which is attached as part of appendix 2)

2.1 **Nottinghamshire Wildlife Trust (NWT)** (comments summarised as a late item when the application was reported to the April Planning Committee): would prefer for natural vegetation and trees along the brook to be retained and request assurances that vegetation would be retained alongside the gabion wall. It would also be preferable to retain existing trees rather than plant replacement trees which take time to establish. They highlight that Tottle Brook is a wildlife corridor and therefore seek a mechanism to guarantee long-term maintenance of a river corridor, as by incorporating the brook into gardens, there is a danger that it could be encroached upon by new owners.

2.1.1 **NWT** objection received prior to the May Planning Committee (application subsequently withdrawn from this agenda, report attached as appendix) which included the following points:

- Impacts on Tottle Brook more severe than first envisaged as only recently made aware of proposed gabion wall
- Proposed gabion wall is located within 8m of the brook and cannot see how natural vegetation could be retained or re-established alongside this feature
- There should be a minimum 8m wide undeveloped buffer zone along the Tottle Brook measured from the top of the bank to the edge of any new development in order to allow maintenance and provide an undeveloped wildlife corridor
- The brook supports a range of wildlife evident from visit in May
- Consider the trees to be of value to wildlife and seen no evidence of decline or that the roots are being substantially eroded by the watercourse

- The Tottle Brook is a wildlife corridor (part of 2.11 Erewash to Wollaton Corridor as identified in the Broxtowe Borough Council Green Infrastructure Strategy) so there is a strong intention to safeguard and enhance the watercourse through local policy protection
- Loss of mature trees, shrubs and ground cover would result in the loss of biodiversity
- The Tottle Brook is part of the local ecological network and as such is recognised by paragraph 170 of the NPPF which advises that *“Planning policies and decisions should contribute to and enhance the natural and local environment by ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”*
- Part 1 of Policy 31 of Draft Part 2 Plan is relevant as it states: *“...permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat...”* Parts 2 and 3 of Policy 31 state: *“...In all cases permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm...”*
- The application does not demonstrate a net gain in biodiversity of the Borough’s ecological network and in fact harms it, especially in relation to the loss of natural vegetation and river bank
- Highlight the Water Framework Directive which contains objectives to achieve good ecological conditions for watercourses and removing the vegetation and building the gabion wall would be contrary to this
- Wish to see a mechanism to secure long term maintenance of the river corridor rather than transfer to individual residents.

2.1.2 **NWT** comments received following receipt of amended gabion wall information: welcome amended plans, especially the ‘greening’ and sloping of the gabion wall which may provide more habitat opportunities than the previously proposed vertical gabion wall. Addition of native hedge welcomed as could be a useful habitat corridor but query its long term maintenance as consider future residents would remove it to have view of the city. Question whether any trees can be retained during installation of gabions. Maintain query about policy conflict with development and watercourse buffer. Query gradient of proposed gabion wall and whether access will be possible for the EA and wildlife to the brook – would like to see watercourse buffer wider than 2m. Request further information about how proposed gabion will work in terms of details of its construction. Query whether the installation of the gabion wall is acceptable to the EA. Welcome the proposed bird/bat boxes but request further details (type and precise locations).

2.1.3 **NWT** further comments following clarification of above matters: sensible to condition the nest boxes and details of the gabion wall. Query again whether EA has no objection to the amended scheme.

2.1.4 **NWT** further comments received following receipt of amended plans showing the steps: whilst the amendments in relation to ‘greening’ the gabions and a native hedgerow are welcomed, still have concerns in relation to the encroachment on the wildlife corridor. The structure is still substantial and even if ‘greened over’ would not provide a suitable habitat for foraging birds or other animals. The loss

of mature trees is of a particular concern and there should be a continuation of their maintenance. Their replacement would mean mature habitats are lost and new trees may struggle to establish due to the steep gabion wall. The Green Infrastructure Strategy (GIS) forms part of the Part 2 Local Plan and the brook is mapped as a green corridor and should be considered as part of the ecological framework. The revised natural environment National Planning Practice Guidance (NPPG) recognises the opportunities that development proposals can provide to conserve and enhance biodiversity and this is not achieved by the encroachment of the large gabion wall. It is unclear how far the gabion wall will extend in length and how far it will be set back from the brook as this is shown as both 2m and 3m. If the gabion wall is too steep, this will not function for the movement of wildlife. The addition of steps will lead to increased disturbances to the wildlife corridor. To conclude, concerns are still raised about the impact of the proposal and an alternative layout which is less damaging to the Tottle Brook should be explored.

2.2 **Environment Agency** (in response to amended Flood Risk Assessment): no objection subject to two conditions requiring the development to be carried out in accordance with FRA and requiring a landscaping scheme which details existing vegetation/trees and provides a detailed plan to ensure proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse (designated as a Main River). Three informatives are provided:

- i) Typically request an 8m easement area free of development. However, in this case, have agreed that minor development such as gabion baskets, patios and fencing can be incorporated but only in strict accordance with the submitted drawings. Site specific matters, topography and the current access to the watercourse have been taken into consideration.
- ii) Not commented on the specific details of the gabion baskets as those matters will be considered under separate legislation, i.e. the environmental permitting regulations. An Environmental Permit for any works within 8m of the watercourse will be required. The environmental permitting system is completely independent of the planning system and the granting of planning permission does not guarantee that a permit will be granted.
- iii) Local Planning Authorities (LPAs) must “have regard to the River Basin Management Plan (RBMP) and any supplementary plans in exercising their functions”. This means that LPAs need to reflect RBMP information on the determination of individual planning applications where applicable. If this watercourse was a Water Framework Directive (WFD) monitored watercourse, the EA would object until an adequate WFD assessment had been supplied. However, as it is not a monitored watercourse, responsibility for ensuring compliance with WFD is the responsibility of the LPA and applicant.

2.2.1 **EA** comments in relation to amended gabion wall information: support the provision of access steps for maintenance purposes and raise no objection to amended information subject to conditions previously advised (as above).

2.3 **Business and Projects Manager (Environment)**: advises that the trees proposed are appropriate for their location adjacent to a brook and should be able to grow at the base of the gabion wall. Such walls can appear visually stark and there are options to fill them with soil and compost sacks and then sow these with grasses and wild flowers to speed up the natural process.

2.4 Additional letter of objection (sent to all committee members in May) from neighbour detailing the following:

- The plans submitted on 10 April 2019 were the first indication of a gabion wall
- Gabion wall more usually found in an industrial setting and will mean the destruction of a designated wildlife corridor by removal of trees, shrubs and undergrowth
- Site recently visited by the Nottinghamshire Wildlife Trust and they have now objected to the application (quotes part of the NWT's objection)
- Attached to objection is a photo of a gabion wall, sectional plan showing gabion wall and a diagram of plans showing relationship with a property on Wollaton Vale.

2.5 14 representations have been received in relation to the amended plans of the gabion wall comprising 12 objections (including one made on behalf of the occupiers of 17 houses) and two raising no objections. The objections can be summarised as follows:

- a summary of NWT's comments are provided including the concern that the plans still represent destruction of a green corridor, loss of the corridor will weaken the entire Green Infrastructure Strategy – proposal is contrary to Policy 31 of the Draft Part 2 Local Plan, no guarantees are made for the retention of any trees, tree retention is not possible with the proposed gabion wall, queries whether width of 2m and steep gradient are sufficient to safeguard corridor and how vegetation will be planted in the gabion and future maintenance arrangements.
- A full topographical survey of the north bank of the brook should be submitted
- Development does not protect or enhance the green corridor and it will set a precedent for the destruction of others
- Gabion wall of any kind will deter wildlife from living there due to the steep sides
- Gabion wall is unsightly and just allows building to take place as close to the boundary as possible
- Amended gabion wall system and hedge has resulted in 2m smaller gardens for proposed houses and the density is out of keeping with open character of area
- New houses remain at three storey, at higher level than existing homes, causing loss of amenities, privacy and outlook
- Close proximity will cause overlooking
- Development has same density and proximity issues as previous plans which were refused permission
- No more details of solution to foul sewer issue for site – Councillor Carr requested clarification about installation of pump and generator. Queries about proposed route, back-up systems and how foul water will be prevented from entering Green Corridor.
- Flood risk will be increased by proposed density of building and lack of natural drainage
- Removal of 100+ trees from site before application submitted shows disregard for habitat and wildlife

- Concerns over potential removal of an oak tree
- The tree survey submitted with the application is the only reliable evidence of the state of the trees
- The retention of some trees is doubtful due to the removal of earth required for works
- Trees are healthy, mature and tall - introduction of new trees will take at least 20 years to establish
- Steps will create access to the development for burglars
- Insufficient parking
- Not in keeping with The Crescent building line
- Increase in traffic on Middleton Crescent to detriment of highway safety
- A transport survey should be submitted
- Reduction in air quality and increase in noise, dust and disturbance
- Poor design.

### 3 Assessment

3.1 The main issues to consider are the s106 Agreement obligations and the proposed gabion wall and impact on biodiversity.

#### 3.2 **S106 Agreement**

3.2.1 The applicant had agreed to pay the education, open space and integrated transport measures financial contributions but not the requested affordable housing contribution. The applicant's justification for this was a belief the developable site area was below the threshold of 1 hectare and measured 0.98 hectares. However, it is clear the area of land surrounding no. 7A Middleton Crescent is demonstrably part of the 'developable area' of the site which was omitted to avoid paying an affordable housing contribution and when this area of land is included, the site area measures 1.2 hectares and therefore meets the threshold for an affordable housing contribution (explained in section 6.7 of the April report attached). The April report also referenced relevant case law to support this argument, the high demand for affordable housing in the Beeston sub-market area, as well as outlining the current planning policy position, all of which justifies the requirement for an affordable housing contribution to be paid.

3.2.2 The applicant outlined his intention at Planning Committee on 24 April 2019 to pay the affordable housing contribution, thus removing the proposed reason for refusal and overcoming the previous objection raised by the Housing Strategy and Development Officer. Consequently with respect to the financial contributions, the planning application is now considered acceptable.

#### 3.3 **Gabion wall and impact on biodiversity**

3.3.1 The plans for this have been amended so the proposed gabion wall has a more natural gradient and is capable of being planted. Two sets of access steps have also been included to enable maintenance. A native species hedgerow is also proposed to be planted at the top of the wall.

3.3.2 In response to the objection from NWT to the amended gabion wall system, the applicant has advised the following:

- A bank reinforced by gabions and not a wall is proposed.
- The site is currently garden land and could be changed to manicured lawn without requiring permission.
- The bank has a steep gradient to prevent residents incorporating it within their garden, a previous concern raised by NWT.
- The addition of the hedge at the top of the bank will provide a definitive boundary to the proposed gardens and prevent residents mowing/building upon the bank. Retention of the hedge will be secured by legal covenant on the sale of the houses.
- The function of the wildlife corridor as a route for wildlife to move along will be unaffected by the building of the bank.
- The ecology report and survey confirm the construction of the bank will have negligible impact on the ecology of the stream. No notable species were identified and the habitats were considered relatively common.
- The following ecological enhancements can be incorporated: addition of holes in fencing to allow movement of hedgehogs, addition of open compost heap containers in garden corners to support hedgehogs, incorporation of badger set in gabion wall, provision of empty spaces in gabion baskets for smaller habitat creation and planting of species of ecological benefit along the bank.
- At a site visit in March, the Tree Officer recommended that T7, T8 and T9 be removed as soon as the bird nesting season had ended due to them being unsafe. These trees would have been removed already had it not been the nesting season.
- The length of gabion wall has been reduced so it stops at the east of plot 5 so T19 (an oak) can be retained. It is also intended to retain T11, T12 and T13.
- At the time of NWT's site visit, the weather conditions were very poor and with the area being overgrown, they were not able to see the condition of the trees.
- New trees and planting will be provided to further enhance the vegetation in the area of the bank.
- The bottom edge of the gabion bank is set back from the brook between 2-3m.
- Following concern from the NWT, the length of gabion bank has been significantly reduced to 90m which covers 69% of the boundary adjacent to the brook.
- Steps were added to provide access for tree maintenance but can be removed if NWT prefer
- Mammals can travel to the brook as the gabion bank does not start at the edges of the site
- The bank has an approximate gradient of 58 degrees so trees will not be overhung by it.
- Planting of trees could be conditioned to allow them to be installed for a period before the houses are constructed
- This is the only section of bank that has not been built on (many examples on both sides of the brook where residents have concreted over the boundary to the brook) – the scheme will ensure the area isn't incorporated into the gardens and will stay as a wildlife corridor.

- The houses have already been moved further away from the brook – moving them further away or removing the bank would affect the site's viability
- A contribution of £20,000 could be made to NWT to improve wildlife habitat within the borough
- The gabion bank allows the level change across the site to be reduced which provides the following benefits: levels the site to that of Appledore Avenue, allows for the access road to be adopted and for refuse collection to take place on site, reduces gradients for those with limited mobility, enables most of the proposed houses to discharge into the Middleton Crescent sewer and improves the viability of the scheme making it more likely to be built.

3.3.3 Whilst it is acknowledged there will be a loss of biodiversity following the removal of some trees and vegetation, the applicant has agreed to plant more trees and a hedgerow. The Council's Business and Projects Manager (Environment) has advised that the trees proposed are appropriate for their location adjacent to the brook and should be able to grow at the base of the gabion wall. Some trees will be retained on site where possible and the two highest graded trees (both oaks) will be retained. Tree protection measures are conditioned. The Tree Officer has considered the submitted Tree Survey and it is his view that none of the trees beside the brook are worthy of Tree Preservation Orders. Loss of some trees is unavoidable to enable the construction of the gabion wall system which will facilitate the provision of 13 additional houses. A landscaping condition will ensure that suitable native species of trees and hedgerow are introduced into this area and it is considered this is sufficient to partly address the concerns raised by the Nottinghamshire Wildlife Trust. It is accepted that the installation of a gabion wall replaces a natural bank but this is considered necessary in order to adequately support the bank and without it, it would pose a safety risk to the occupants of the proposed homes given their closer positioning to the brook. In addition, as stated by the applicant, the provision of the bank provides a number of benefits, notably the reduction of gradients and the construction of an access road that can be adopted. The proposed gabion wall system will not extend to the site boundaries so mammals will still be able to access the brook from either side. As the gabion wall will now be constructed using a sloping, 'green' system that can be planted, it is considered this will soften its appearance and encourage wildlife. A condition will be used to secure the details of the proposed gabion wall system.

3.3.4 As stated by the applicant, the site could be laid to lawn without requiring planning permission. Various structures have been constructed beside the brook. The Tottle Brook has not been maintained historically and has not been significantly enhanced or improved over recent years. Nevertheless, there is no proposal through this application that this status as a wildlife corridor will be removed. A landscaping condition can ensure that suitable native species are introduced into this area and this is considered to be sufficient to ensure the brook is enhanced. The need for housing carries significant weight and the retention of this site as an undeveloped part of an unmaintained Green Infrastructure Corridor and wildlife corridor is considered to be of less weight than the significant benefits of redeveloping this site for housing in an urban location.



- 3.3.5 The EA has raised no objection to the proposed gabion wall system and advise that such development would be seen as 'minor development' and would be acceptable within 8m of the watercourse. They advise that the applicant will need to apply for an environmental permit for the works due to the proximity to the Tottle Brook and this is entirely independent of the planning system.
- 3.3.6 In terms of the issues raised by NWT in their initial objection to the vertical gable wall system, the Green Infrastructure Strategy is not policy itself but it has informed the policies in the Draft Part 2 Local Plan. Policy 31 of the Draft Part 2 Local Plan concerns Biodiversity Assets and advises that all development should seek to deliver a net gain in biodiversity. This policy confirms that development will be refused if it results in any significant harm or loss to biodiversity assets unless the benefits of the development are clearly shown to outweigh the harm. The application site is subject to no local or national designations in terms of wildlife and no trees on the site are subject to Tree Preservation Orders. No evidence of protected species was found in the ecological surveys undertaken. The applicant proposes to install bat and bird boxes on the houses as an additional biodiversity measure and these will be secured through condition. In addition, a condition to secure the ecological enhancements measures (e.g. holes in fencing to facilitate movement of hedgehogs) as proposed by the applicant (see 3.3.2) is proposed. Measures to secure the long term maintenance of the gabion wall structure and hedgerow at the top of the wall will be conditioned. Subject to this and the above conditions, it is considered that there will be no significant harm to biodiversity or the Green Infrastructure Corridor which would warrant refusal of the application.
- 3.3.7 The applicant's offer to pay a £20,000 contribution to NWT is noted. However, as concluded above, given that no significant harm to biodiversity is considered to result from the proposed development, the contribution would not meet the tests for planning obligations as it would not be deemed necessary to make the development acceptable.

#### 3.4 Other issues

- 3.4.1 In terms of foul drainage, it remains the proposal to connect to the sewers in Appledore Avenue and Middleton Crescent. If the property owner on Appledore Avenue does not permit such a connection, individual pumping stations may be required for some of the proposed houses to enable connection to Middleton Crescent. This will be a matter for Severn Trent Water Limited and building control.
- 3.4.2 The rear gardens of the proposed houses are considered to be of sufficient size to provide a satisfactory level of amenity for the proposed occupants and to be in keeping with the character of the area.
- 3.4.3 In terms of application (09/00289/FUL) which was dismissed at appeal, three storey apartments (with a central four storey 'tower') were proposed to the north of the site beside the brook, with block 1 being 8.2m from the brook. These apartments were part of a higher density scheme of 10 houses and 11 apartments and the apartments formed a continuous block whereas the current

application proposes 14 detached houses which have gaps between them and the closest house (plot 5) is 8.8m from the brook.

- 3.4.4 A full topographical survey of the north bank of the brook has not been provided due to this part of the site being overgrown. It is considered that the site visits conducted by the case officer to the site and a neighbouring property on Wollaton Vale are sufficient to enable consideration of the existing site levels.
- 3.4.5 The steps proposed within the gabion wall are not considered to encourage crime and the top of the steps could be gated.
- 3.4.6 In terms of the concern that no transport survey has been submitted, a Highway Impact Survey was submitted with the application and Nottinghamshire County Council has no objection to the submitted survey.
- 3.4.7 Other issues raised in the representations have been addressed in the previous reports.

#### 4 Planning Balance

- 4.1 The benefits of the proposal are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the S106 Agreement. There would be some impact on biodiversity but this impact is considered to be outweighed by the benefits of the proposal.

#### 5 Conclusion

- 5.1 To conclude, the applicant has agreed to provide an affordable housing contribution which was the sole reason for recommending this application for refusal when reported to Planning Committee on 24 April 2019. The amended gabion wall proposals are considered to be acceptable. Furthermore, the planting of new native tree species and a hedgerow and provision of bird and bat boxes will be secured through conditions. Sufficient measures to enhance biodiversity are considered to have been made to ensure the Green Infrastructure Corridor will be maintained. As detailed in the previous report, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage and highways has satisfied concerns raised and is considered to be acceptable.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, education, open space and integrated transport measures contributions and</p> <p>(ii) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250) received by the Local Planning Authority on 25 May 2018; 07 Rev D and 11 received by the Local Planning Authority on 3 April 2019; F16046/04 Rev C received by the Local Planning Authority on 8 April 2019; 13 Rev C received by the Local Planning Authority on 10 April 2019; 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H received by the Local Planning Authority on 14 August 2019, 09 Rev M and 10 Rev A received by the Local Planning Authority on 15 August 2019 and 01 Rev DD received by the Local Planning Authority on 29 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development shall commence until detailed plans of the proposed gabion wall system construction methodology and proposed maintenance arrangements have been submitted to and agreed in writing by the Local Planning Authority. These plans and methodology shall include:</p> <ul style="list-style-type: none"> <li>i) Proposed substrate depth</li> <li>ii) Proposed planting/seeding/turfing details</li> <li>iii) Timetable for implementation of the scheme.</li> </ul> <p>The proposed gabion wall system shall be constructed, planted and maintained in accordance with the agreed details. If any plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p>

	<p><b><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and in the interests of biodiversity and neighbouring visual amenity to secure appropriate planting of the gabion wall and longer term survival of the planting, to preserve the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></b></p>
<p><b>4.</b></p>	<p><b>No development including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.</b></p> <p><b><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></b></p>
<p><b>5.</b></p>	<p><b>No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Sustainable Drainage Statement (prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-CD-0001_SDS, dated October 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</b></p> <ul style="list-style-type: none"> <li><b>- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management</b></li> <li><b>- Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area.</b></li> <li><b>- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.</b></li> <li><b>- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate</b></li> </ul>

	<p>change return periods.</p> <ul style="list-style-type: none"> <li>- Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.</li> <li>- Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.</li> </ul> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:</p> <ul style="list-style-type: none"> <li>(a) numbers, types, sizes and positions of proposed trees and shrubs and existing trees to be retained;</li> <li>(b) measures for the protection of retained trees</li> <li>(c) a detailed plan which demonstrates the proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse;</li> <li>(d) planting, seeding/turfing of other soft landscape areas;</li> <li>(e) details of the site boundary treatments;</li> <li>(f) a timetable for implementation of the scheme.</li> </ul> <p>The landscaping scheme shall be carried out in accordance with the approved timetable and the tree protection measures shall be in place before any site clearance/development commences. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and limited details were submitted with the application. To ensure the development presents a satisfactory standard of external appearance to the area and to maintain the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>

<p>7.</p>	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls and roofs 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: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>No development above slab level shall commence until precise details of the types of bat and bird boxes proposed have been submitted to and agreed in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective houses.</p> <p><i>Reason: To secure the provision of such features in the interests of biodiversity and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
<p>9.</p>	<p>No development above slab level shall commence until precise details of the ecological enhancement measures as set out on the first page of the 'NWT response letter' received on 29 August 2019 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings.</p> <p><i>Reason: In the interests of enhancing biodiversity, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
<p>10.</p>	<p>Prior to the first occupation of the houses hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-YE-0001_FRA, received by the Local Planning Authority on 30 April 2019 and in accordance with the mitigation measure that finished floor levels are set no lower than 37.1m above Ordnance Datum. This mitigation measure shall be maintained and retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>11.</p>	<p>Prior to the first occupation of the houses hereby approved, all driveways and parking areas shall be surfaced in a hard, bound</p>

	<p>material (not loose aggregate), and designed to prevent the unregulated discharge of surface water onto the public highway. The surfaced drives and parking areas shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
<p>12.</p>	<p>Prior to the first occupation of the houses hereby approved, the existing site access shall be made redundant and permanently closed and the access crossing reinstated as a footway.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
<p>13.</p>	<p>Prior to the first occupation of the houses hereby approved, visibility splays shall be provided in accordance with the approved plans. The area within the visibility splays shall be kept free of all obstructions for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
<p>14.</p>	<p>The first floor side windows annotated as obscurely glazed on drawing numbers: 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H and 10 Rev A shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>15.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions or outbuildings shall be carried out to the dwellings on plots 1 - 5 hereby approved which come within Classes A and E of Schedule 2, Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>Reason: To ensure that access to the Tottle Brook watercourse is kept clear for future maintenance, to reduce the risk of flooding to the development, to prevent flooding elsewhere and in accordance</i></p>

	<b><i>with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></b>
16.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<b>NOTES TO APPLICANT</b>
1.	The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2.	The applicant should note that, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks. An agreement under Section 38 of the Highways Act 1980 will be required. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The proposal makes it necessary to reinstate the redundant access/ vehicular crossing over a footway of the public highway and these works should be carried out to the satisfaction of the Highways Authority. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage on telephone number: 0300 500 8080.
3.	The gabion wall and any activities that take place within 8 metres of the Tottle Brook watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03702 422 549. Further guidance can be obtained at: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a>
4.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>
5.	The applicant is advised to contact the Council's Waste and Recycling Section on telephone number: 0115 917 7777 to discuss waste and refuse collection requirements.





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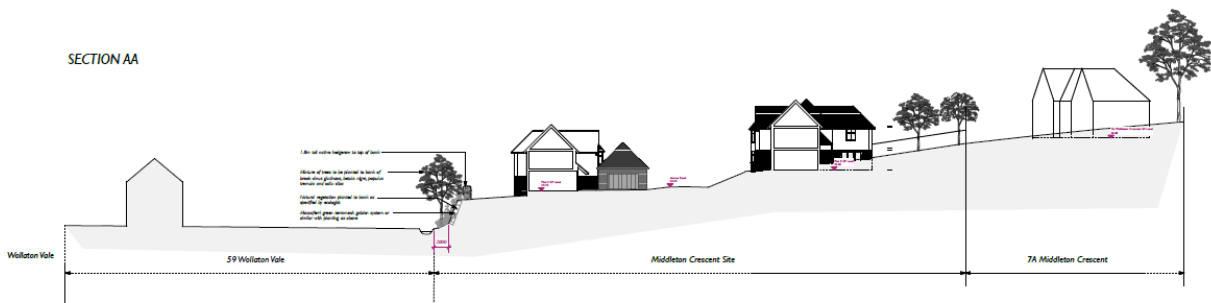
**Legend**

-  Site
-  Single TPO
-  Green Infrastructure Corridor
-  Flood Zone 3
-  Flood Zone 2

Plans (not to scale)



SECTION AA



SECTION CC



SECTION B:B



**AIA**  
Allan Joyce Architects

PROJECT	Swallow Hill Homes
ADDRESS	7A & 13 Middleton Crescent Beeston
DATE	Nov-11
PROJECT NUMBER	3390
SCALE	1:200 @ A1
DRAWING NUMBER	01/01
DATE	Nov-11
DRAWN BY	De
CHECKED BY	K
PROJECT MANAGER	Planning
SCALE	KLB