

Report of the Chief Executive

APPLICATION NUMBER:	19/00756/ROC
LOCATION:	Land Off Acorn Avenue Giltbrook Nottinghamshire
PROPOSAL:	Variation of Conditions 2, 3 and 11 (approved drawings, details of materials and landscape scheme) of planning reference 15/00010/FUL (Construct 67 dwellings) to substitute house types, amend layout and remove plots, change external materials and amend landscaping scheme.

The application is brought to the Committee due to the original permission to which this application relates being determined by Planning Committee.

1 Executive Summary

- 1.1 The application seeks to vary 3 conditions attached to planning permission 15/00010/FUL relating to drawing numbers, materials and landscaping. The revisions to the drawing numbers will result in several minor amendments to house types, largely involving fenestration detailing, the removal of 2 plots and associated layout alterations, the substitution of 5 plot types, which will include a raised parking area to the front of plot 260 and minor extensions to the rear of two house types. The principle of residential development in a similar form to that considered under this application has been established for many years, but has an extant permission dating back to 1993 (92/730/FUL).
- 1.2 The amendments to condition 3, materials, are minor and would still involve bricks and tiles of a similar colour to those already approved. Rainwater goods and doors would be black and meter boxes would be located on the side of the houses.
- 1.3 The amendments to the house types are largely minor and involve fenestration alterations, some additional bay windows and on two property types relatively small single storey additions to the rear.
- 1.4 The main issues relate to the design of the amendments proposed and the impact on amenity.
- 1.5 On balance the design of the amendments are considered to be acceptable. There are significant level differences within the site and whilst concern has been raised by residents, particularly in respect of plots 251-260, due to the historical consents in place, the extant permission and works already undertaken within the site to commence the permission relating to 92/00730/FUL, notably the linking arm of Acorn Avenue, Filbert Drive and Albert Drive, it is not considered that the height of these dwellings is something which can be revisited at this point in time. The landscaping plans however demonstrate how these level differences will be treated within the rear gardens of these properties and it is considered that the grading of the gardens and the planting screen proposed will protect the amenity of the occupants of properties to the rear of these on Acorn Avenue.

- 1.6 The Committee is asked to resolve that the application be approved subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application seeks to vary conditions 2, 3 and 11 placed on planning permission 15/00010/FUL for the construction of 67 dwellings at land adjacent to an existing residential development within the larger Smithurst Road development, Giltbrook.
- 1.2 These conditions relate to drawing numbers for the development to be completed in accordance with, external materials to be used in the construction of the dwellings approved and the landscaping scheme. The amendments will include;
- Minor alterations to the design of several house types to update them to the current company standard house type, largely relating to fenestration detailing and the position of windows with the addition of some bay windows also to several of the properties;
 - Alternations to the layout in the north-western corner which result in the reduction of overall number by 2 (65 dwellings) and amendments to the property types for 3 of the remaining dwellings in this area;
 - Small single storey projections beyond the original rear elevation of two plots (221 and 251);
 - Amendments to plot 260 to include a smaller house type and a raised parking area to the front of the property;
 - Changes to the details of the approved roof tiles, although these still include a mix of red and grey colours as previously approved; and
 - Landscaping within the rear of plots 251-260 to include a raised patio area with retaining wall and steps leading to a lower garden area with trees along the rear boundary with the existing properties along Acorn Avenue.
- 1.3 The scheme has been amended during the course of the application to include revisions and additional information in relation to the landscaping scheme to deal with the level differences, the removal of a number of plots and a change in house type for plot 60.
- 1.4 The permission to which this application seeks to amend was subject to a Section 106 Agreement which required the developer to transfer land and provide £100,000 to the authority to be used for the purposes of flood alleviation in the area.

2 Site and surroundings

- 2.1 The site comprises approximately 2.39 hectares of land within an existing residential area. As there has been an extant permission for housing on the site since 1993, some works have been undertaken in the 1st phase of development including the connecting access road which joins the two sections of Acorn Avenue. Work had also been commenced in laying the two roads leading from Acorn Avenue (Alton Drive and Filbert Drive).

- 2.2 Works have commenced on site to implement 15/00010/FUL with a number of properties up to first floor level and footings dug for several properties along the southern boundary of the site.
- 2.3 The site is largely boarded by residential properties to the northern, eastern and southern boundaries. The properties to the south and south east of the site consist of the 44 dwellings constructed under the extant permission (92/00730/FUL) by the applicant and as such are fairly similar in respect of design and appearance with some minor alterations in terms of fenestration detailing and materials used. These together with the properties to the north and east largely consist of detached two storey dwellings with a smaller number of semi-detached properties. To the west of the site there is an area of open land, which under the requirements of the S106 for the development is required to be transferred to the Council and kept free from development (except for the purposes of flood alleviation works if required). Within this space an attenuation pond has been constructed and this is enclosed by a low knee-rail type fence to discourage access.
- 2.4 A gabion wall has also been constructed to the north-western boundary of the site, separating the built development from the open space and there is a steep level change from these properties to the attenuation pond and the open space.
- 2.5 A temporary site office complex has been constructed in association with the works. A closed barrier gate to the north and fencing to the south still currently restricts access and through traffic whilst works are taking place. A public footpath connecting the two parts of Acorn Avenue runs behind the properties on Robina Drive. There is a group Tree Preservation Order at the south eastern tip of this footpath.
- 2.6 There is a significant change in levels across the site, which slopes upwards from west to east and from south to north. The properties on Robina Drive are 5-6m higher than the properties to the west on Thorn Drive and the properties at one end of Acorn Avenue (numbers 51 and 58) are 3-4m higher than those to the south

3 Relevant Planning History

- 3.1 In 1981 planning permission was granted for development consisting of 'Use site for residential, industrial, shops and school development' (79/00666/OUT). This was further supplemented by the granting of outline planning permission for residential, industrial, shopping and school development as part of a comprehensive scheme for the whole of the Giltbrook Farm Estate (81/00566/OUT). These applications established the principle of residential development on the site which has subsequently been developed in a phased manner since this time.
- 3.2 Planning permission for 107 houses with garages and associated works within a section of this larger site was granted in 1993 (92/00730/FUL). As stated in section 1 of this report, part of this development has been built out and as such the permission is extant and could be built as approved at any point in the future without the need for any further planning permission.

3.3 In 2006 planning permission (06/00967/FUL) was refused for the substitution of house types for 63 dwellings previously approved and alterations to the internal road layout. The reasons for refusal stated:

1 – The proposed residential development provides a low-density scheme, insufficient to meet the requirements of PPS3 and Policy H6 of the Broxtowe Local Plan and represents an inefficient use of land. In addition the development proposes fail to provide a satisfactory variety of housing types contrary to Policy H3 of the Broxtowe Local Plan (2004).

2 – The applicant has failed to provide the necessary information on the level changes of the site and subsequently there is a lack of detail to assess the impact of the proposal on the occupiers of the neighbouring properties and the amenity of occupiers of future residents within the site. The proposal is accordingly contrary to local plan policy H7.

3.4 In November 2015 an application for 67 dwellings (15/00010/FUL) was presented to Planning Committee. Members resolved that having regard to all material planning considerations, including the extant planning permission for 63 dwellings that could be constructed without any further permissions required by the Council that the proposal, including the Section 106 contributions towards flood alleviation measures in the wider area and the transfer of land to aid the implementation of these measures, was acceptable.

3.5 Prior to the signing of the Section 106 Agreement the applicants proposed some alterations to the scheme in early 2018. These largely related to updates in house types with some minor amendments to the layout. These were approved by Planning Committee in May 2018. The permission was issued in August 2018.

4 Relevant Policies and Guidance

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

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

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

4.2 **Part 2 Local Plan 2019:**

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting healthy and safe communities.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

5 Consultations

5.1 Nottingham West Clinical Commissioning Group: Queried why they hadn't been consulted on the application. They were advised of the site history and the details of this application and were content with this.

5.2 The Councils Parks and Green Spaces Manager: Commented on the original proposal that the planting shown would provide little in terms of screening with just 1 tree per garden. He comments that Leylandii will achieve a full screen within a number of years but they do take a lot of maintenance and if they get out of hand can create problems under the High Hedges legislation. He provided a list of trees that are good at creating a screen which are either evergreen or hold their leaves throughout winter and recommended a minimum of 2 trees per garden. These comments were shared with the applicant and amended plans showing a minimum of two evergreen trees from the list per garden were received.

5.3 Cllr M Handley: Raises concern with regard to loss of privacy of existing residents and considered that plans should be submitted which address these concerns. Does not consider that a video of the site would clearly demonstrate the situation and Members should undertake a site visit. Builders should be able to regrade the land to mitigate the invasion of privacy. The proposed raised patios will allow further loss of privacy as the gardens will be smaller. No sign of any retaining wall towards the rear of the property and advised that a drainage pipe will take away surface water run-off. Questions whether the LLFA are aware of

this with current problems existing in the area. At least one property had water and slurry in their garden after the storms.

5.4 **Cllr Willimott:** Raises concerns with privacy and flooding. Considers that proper scrutiny of the plans is required and that a site visit by Members is necessary before its determination.

5.5 78 neighbours were consulted on the application initially. 4 responses were received comprising: 1 raises concern that they were not consulted on the application initially, 2 reiterate original objections in respect of height of properties leading to loss of light, privacy, sense of enclosure, 1 of these also raises concern with traffic generation and 1 queries the plans on the website.

5.6 In relation to the amended plans and additional information submitted during the course of the application all 78 neighbours were reconsulted initially with further consultations taking place with those existing properties which directly adjoined the area where amendments were shown. Representations from 13 different households have been received of which 11 are objections, 1 raises no objections and another doesn't state whether they object or not but raises a number of concerns. Photographs have also been received to justify comments made. The following objections are raised:

- Due to height of properties there is no privacy. The raised patios will enable people to look directly into existing gardens and properties, doesn't comply with policy because of this loss of privacy
- Landscaping needs to be planted asap to provide screen.
- Was assured by Langridge that plot 260 wouldn't be built due to level differences.
- Loss of light and sense of enclosure due to height of properties
- Is there going to be an engineered retaining wall to stop any slippage / subsidence from the ground
- Is there going to be adequate drainage for any increase in surface water run-off
- How will the proposed boundary fence relate to the existing boundary to the properties on Acorn Avenue. Who will be responsible for this, will there be an area of dead space between the two?
- Can any tree be located closing the gaps with the tallest evergreen tree possible.
- Will the tree also be prevented from being cut down? The trees must grow to natural height for privacy. These should all be evergreen.
- Revised plans fail to show accurately how high the new properties' gardens, patios and windows will be in relation to all existing properties.
- Concern with professionalism of drawings provided
- Steepness of new gardens mean the properties won't be accessible for the disabled.
- Previous plans didn't show the height of these properties.
- Request to see all landscaping plans
- Request for a site visit by Members of the Planning Committee
- Inaccuracy of plans
- Work continues on site whilst the application is being considered

- Request to delay the application being taken to Planning Committee and reconsult on all plans
- Since work commenced there has been flooding to existing gardens on Acorn Avenue
- Failure of applicants and LPA to submit plans showing level differences in 2018.
- flooding issues appears to be un-resolved, the drawings indicate the “deliberate discharge” of surface flood water, off-site, to the lower reaches of Acorn Ave, where properties are already at risk of flooding. How will the development meet the requirements of the NPPF.
- Design of plot 260 makes it look like an extra plot has been squeezed in. Should be removed from scheme and area used for additional drainage.
- Additional traffic generation with Acorn Avenue used as in/out to the development.
- Loss of view.
- Impact on property value.
- Big difference to the noise levels, can already hear the conversations of the builders.
- Have to have blinds drawn whilst builders on site as they are able to look straight into all rear rooms of properties.
- The traffic generated from the building its self is unacceptable. The trucks are often on site and working before 8.00am and drive with no consideration for it being a residential street.
- Sense of enclosure from height of buildings made worse depending on the trees that they are proposing to plant to help with the loss of privacy.

6 Assessment

6.1 The main issues for consideration are the design of the proposed amendments to property types and the impact on neighbour amenity and highway safety.

6.2 **Principle**

6.2.1 The principle of residential development in this location has been established since 1981 with the original outline planning permission. In 1993 Planning permission was granted for 107 dwellings and garages and 44 of these properties were constructed ensuring that the permission is extant. At this time an application for building control was submitted and approved. As previously established during the consideration of 15/00010/FUL the remaining 63 dwellings could therefore be constructed without any further permissions from the Council. Details of land levels were not required by any condition attached to these permissions.

6.2.2 Planning permission 92/730/FUL was granted subject to 6 conditions including the approval of materials, required diversion of public footpaths, the retention of garages for the parking of vehicles, details of landscaping to include planting and hard paved areas, the implementation of this planting scheme and details of boundary treatments alongside the public footpaths and open space.

6.2.3 At the time of constructing the 44 existing dwellings on Acorn Avenue the link road was laid as were the two roads, in part within this site; Alton Drive and Filbert

Drive. It is therefore reasonable that these roads established the heights at which the remaining properties were to be constructed, whether it be those constructed under permission 92/00730/FUL or subsequent permissions, as practically the driveways would need to be accessed parallel to the road they were served by. This principle is particularly important with the flooding history in the vicinity of this site and avoiding steep hardsurfaced areas.

6.2.4 During the processing of 15/00010/FUL, the extant permission, the conditions attached to this and the existing built form within the site were all material considerations and it was considered that the application created the opportunity for betterment throughout the wider area with the provision of land for flood attenuation purposes and a financial contribution towards these measures.

6.2.5 Whilst this current application to vary conditions results in the loss of two dwellings from that approved under the 2015 application (15/00010/FUL), it would still result in an increase of 2 dwellings from that approved under the original permission which would contribute to the boroughs housing supply.

6.3 Design

6.3.1 In respect of the proposed changes to the materials; the bricks, roof tiles and rainwater goods were required by condition 3 to be approved by the Local Planning Authority. These were agreed in December 2018, however the applicants now wish to retain the approved bricks but change the roof tiles and colour of the rainwater goods. The proposal is still for a mix of dark coloured and red tiles to provide some variation in the streetscene. It is considered that the amended detail is an acceptable alternative to those previously approved. The rainwater goods, front doors and garage doors are also proposed to change from white to black in colour. It has been confirmed by way of email that the meter boxes will be located on the side elevations of the dwellings and these will also be black. It is considered that the proposed changes are acceptable in design terms and a suitably worded condition can control that these are used.

6.3.2 The design changes to the proposed dwellings differ by plot type, but include the following:

- Three pane window replaced with Juliet balcony and railings
- Various amendments to fenestration detailing to front and rear elevations including replacing two pane and single panes with three pane windows and vice versa, replacing two, two pane window in the front gable with a single four pane window and alterations to patio doors;
- One side of a property brought forward but no further than the garage. The roof of the garage is proposed to be amended and a canopy will extend the full width of the property at ground floor level (A1/2019 (OSG));
- Removal of header and sill detailing around the openings;
- Bay window at ground floor and extended canopy to run over front door and bay window.
- Amendments to side openings including, replacing single pane window serving bathroom with two pane landing window, additional single pane window at ground floor, addition of single pane window serving bathroom in first floor and removal of single pane window in ground floor, addition of single door in side elevation serving kitchen.

- 6.3.3 It is considered that the removal of the stone header and sill features is disappointing but not unacceptable and it is understood to be due to the availability of materials. The fenestration alterations to all properties are acceptable. The addition of bay windows to some properties will add some length to the dwelling but the design is acceptable and in keeping with a number of other properties in the development and wont impact on parking provision.
- 6.3.4 Two property types (K7E x3 and B6 x1) are also proposed to have an additional single storey projection to the rear (1.8m by 3.545m in width – B6 and 4.6m by 5.885m in width – K7E). These contained to the rear of the properties and it is considered that the single storey addition is a minor change proportionate to the host dwelling and in keeping with the dwelling and development as a whole.
- 6.3.5 Plot 260 is proposed to be amended from a house type T20 to house type DA3A, which is a smaller 4 bed dwelling. This allows for a greater separation distance between this dwelling and the existing properties on Acorn Avenue and Alton Drive due to the level changes within the site. The design of the property is considered to be acceptable and in keeping with the existing and proposed dwellings.
- 6.3.6 Due to the level changes within the site however the property will have its parking on a raised platform in front of the dwelling, surrounded by a retaining wall with steps leading down to the front door. This will largely obscure the ground floor from the street scene. Whilst this is not ideal it is not considered that this would result in such a poor addition to the streetscene that permission should be refused.
- 6.3.7 The changes to the north-west corner of the site include the reorientation of properties and the reduction in overall numbers including those served from the private drive in this area of the site. The design of the layout changes and the property type substitutions are acceptable.

6.4 Amenity

- 6.4.1 The amendments to the properties in the north-west corner of the site are not considered to have any significantly greater impact than those previously approved. Whilst the orientation of the properties are altered, the number of dwellings in proximity to existing dwellings is reduced. Plot 206 will largely have a view from its front elevation of the road and the side of 58 Acorn Avenue, with its own drive and the private driveway separating the properties. Plot 207 will be orientated with its front elevation towards the rear garden of this existing property on Acorn Avenue and its neighbouring properties on The Pastures, however due to the separation distance and the angle of any view from the first floor of this dwelling it is not considered that this relationship would result in any significant loss of privacy. There is one first floor window in the side elevation of this property facing the existing dwellings on The Pastures however this is to serve an ensuite bathroom and will have a top opener only.
- 6.4.2 It is not considered that any of the fenestration changes to the plot types would result in any increased loss of amenity which would need further assessment beyond that undertaken in considering application 15/00010/FUL.

- 6.4.3 The single storey additions to plot types KE7 are not considered to cause any significant detriment to amenity. There are three of these proposed within the development. Two of which overlook the open space and are a considerable distance away from any properties to the rear. The properties either side are to be built as part of the development and it is considered that the relationship is acceptable. Plot 221 backs onto 3 existing properties on Acorn Avenue, however due to the orientation of the plot in relation to these and the separation distances it is not considered that there would be any detriment to the amenity of the occupants of these properties.
- 6.4.4 The single storey addition to Plot 251 will project a further 1.8 metres from the rear of the approved dwelling. Whilst this property is higher than the existing dwellings on Acorn Avenue onto which it shares a rear boundary with, it is considered that the separation distance and minor nature of the amendment would not result in any significant detriment to the amenity of the occupants of these neighbouring properties beyond the approved scheme.
- 6.4.5 The proposed amendments to plot 260 result in a property with a smaller footprint which brings the built form away from the boundary with 2 Alton Drive and 71 Acorn Avenue. The building will be constructed on a slightly lower land level than 2 Alton Close, albeit with a raised parking area to the front, although this is set away from the shared boundary, with 2 Alton Close having a garage between this and the property. Section plans submitted through the site show the property being 1.4m higher than the rear boundary of 71 Acorn Avenue. However due to the increased distance being created between the proposed and existing properties at 2 Alton Drive and 71 Acorn Avenue it is not considered that there would be any significant detriment through loss of amenity. In addition to this landscaping is proposed to the side of plot 260 and the patio area to provide some screening.

6.5 Landscaping and current situation

- 6.5.1 The developer has an extant permission for 63 dwellings (92/00730/FUL) of which;
- 44 dwellings have been completed and occupied;
 - All the roads within the site including Filbert Drive, Alton Drive and the linking arm of Acorn Avenue have been partially constructed;
 - All 6 conditions relating to this permission (materials, diversion of public footpaths, retention of garages for the parking of vehicles, landscaping to include planting and hard paved areas, the implementation of this planting scheme and details of boundary treatments alongside the public footpaths and open space) have been discharged.

No further information or consent is required to undertake these works and there was no Section 106 Agreement signed as part of this permission which required any contributions.

- 6.5.2 During the consideration of application 15/00010/FUL, the principle of the development was established and whilst betterment was achieved through improved drainage and, contributions towards flood attenuation measures and land transfer the Council could not revisit the principle of the approval which had

been implemented, and partially constructed. The layout, with properties fronting Alton and Filbert Drive remained broadly similar to that of the original consent, with the roads as constructed providing fixed points.

- 6.5.3 The heights of the properties were approved during the consideration of the original application and it is not therefore considered that the Council at this time has any reasonable mechanism available to it to require the developer to reduce this. Arguably if there is too steep a slope down from the hard-surfaced road, along a sloping hardsurfaced driveway to the front new dwellings then this will speed up water run-off in this direction rather than along the routes which the 2015 permission sought to establish. Having graded slopes within the rear gardens will allow water to infiltrate the soil and slow the speed of water run-off. This arrangement is considered to be beneficial from a flood mitigation perspective.
- 6.5.4 The application currently before the council has been submitted to amend minor details of permission 15/00010/FUL, specifically those relating to materials, some slight changes to the layout, a reduction in housing numbers of 2, changes to the design of certain house types, the substitution of 4 plots and landscaping to the rear of plots 251-260. It does not provide the opportunity to revisit the principle of the development.
- 6.5.5 Landscaping plans have been submitted which show patios to the rear of all properties. To the rear of plots 251-260 these are 3 metres in depth. Due to the significant land level changes in this area of the site the plans and submitted site sections show retaining walls beyond these areas with steps leading down to a lower graded lawn area. To the rear of these areas a minimum of 2 trees are proposed to be planted. A 1.8m close boarded timber fence is proposed along the rear boundary, which will sit on top of 2 gravel boards. Retaining walls will be constructed along the new shared side boundaries of plots 251-260 and on top of each of these there will be a 1.8m high close boarded fence.
- 6.5.6 The design of the fencing detail, patios and retaining wall are all considered to be acceptable features of rear gardens within a residential development. The tree species proposed are all acceptable to the Council's Parks and Green Spaces Manager and he advises that these will provide appropriate screening and unlike conifer trees are unlikely to result in excessive growth which could cause neighbour disputes in the future. The landscaping has been improved during the course of this application with two trees in each garden adjacent to the lower dwellings to the south of the site and these trees to be evergreen.
- 6.5.7 Concerns have been raised with the height of these properties within this section of the site and their impact on existing properties through loss of privacy and being overbearing. Whilst sympathetic to the concern of residents who may have reasonably assumed that dwellings would be sited lower, officers have worked hard with the developer to minimise any impact, with enhanced landscaping along the boundaries with the most affected neighbours. Whilst the level differences are most significant in this area it is considered that the separation distances, in combination with the proposed planting will ensure that the relationship between the existing and proposed dwellings is acceptable.

6.5.8 It is considered that all other detailing shown on the landscaping plan, including frontage planting, hard paved areas and fencing is acceptable.

6.7 Other issues

6.7.2 Traffic generation was assessed when the application was first granted permission, and due to the historical permissions in place it is not considered appropriate to revisit that here.

6.7.3 It is understood under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended that Western Power will be constructing a substation directly adjacent to the development within the open space. Whilst details of the substation have not been provided to the Council, as they are a statutory undertaker they are permitted to carry out certain works without the need to seek consent.

7. Planning Balance

7.1 The benefits of the proposal are the provision of 65 dwellings on a brownfield site within an existing urban area. Whilst it is acknowledged there will be some impact on the amenity of residents in terms of loss of privacy, it is considered that the principle of the housing development and its built form has long been established and that there are no tools available to the council to revisit the principle of this. The applicants have worked with the council in attempts to reduce this impact through the grading of the garden areas and planting in the rear garden of those plots where level differences are most acute. It is considered that on balance these measures will ensure that the relationship is acceptable.

8. Conclusion

8.1 It is considered the principle of the development has been established for a number of years. The proposed amendments to the design of the house types and materials used are considered to be minor alterations which would be acceptable in the streetscene. The reduction in dwellings by two is not considered to be significant and would still result in a gain of two from the extant permission which could be built. The minor alterations to the layout and plot substitutions are considered to be acceptable alterations to the overall scheme. Although there will be some loss of privacy to the occupants of existing properties on Acorn Avenue which share boundaries with plots 251-260 it is considered that this relationship was established by the 1993 permission (92/00730/FUL) and the proposed landscaping scheme offers screening through planting to mitigate this impact.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the application be approved subject to the following conditions.	
1.	The development hereby permitted shall be carried out in

	<p>accordance with drawings referenced:</p> <ul style="list-style-type: none"> - AAGDR01-SLP Rev U and Site Sections D, E, F Rev A received by the Local Planning Authority on 4 May 2020 - AAGDR03-SLP Rev P and Site Sections Plot 260 sh2 AAGDR17-SS Rev B received by the Local Planning Authority on 6th July 2020 - AAGDR14-SS Rev B and AAGDR16-SS received by the Local Planning Authority on 2 June 2020 - Site Sections Plot 260 sh2 AAGDR15-SS Rev A and Site Section Plot 260 AAGDR15-SS Rev C received on 22 June 2020 - DA3A-2020 (O) received by the Local Planning Authority on 12 March 2020 - Standard site retaining LHWD12(A3) Rev B received by the Local Planning Authority on 25 March 2020 - K7/2019 (OSG), B6/2019 (OSG), C8/2018 (OSG), K7E/2019 (OSG) Sheet 1 and 2 and Z4/2018 (OSG) received by the Local Planning Authority on 25 November 2019 - C9/2018 (OSG) and LHDR01-ES1/2 Rev B received by the Local Planning Authority on 17 February 2020 - A1/2019 (OSG), received by the Local Planning Authority on 27 February 2020 - N2/2017 (HSG) Rev A and N2/2017 (O) received by the Local Planning Authority on 26 February 2018 - KA2/2017 (HSG) and KA2/2017 (OSG), S20/2018 (OSG) and S20/2018 (HSG), T20/2017 (OSG) and T20/2017 (HSG), DA3/2017 (O) and DA3/2017 (H), E20/2016 (OSG) and E20/2017 (SG), F5/2018 (HSG) F5/2018 (OSG) plots 223 and 224 received by the Local Planning Authority on 2nd February and 27 March 2018 - Garage/DG/2/88s/B Revision A, received by the Local Planning Authority on 12 January 2015. <p><i>Reason: For the avoidance of doubt.</i></p>
<p>2.</p>	<p>The dwellings hereby approved shall be constructed using Weinerberger Calderdale Edge roof tiles in Terracotta Red and Dark Grey (420 x 334mm), Leicester Red Stock, Eton Buff Facing and Blue Engineering bricks as shown on plan LHDR01-ES1/2 Rev B and black rainwater goods with all metre boxes located to the sides of the dwellings.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan.</i></p>
<p>3.</p>	<p>No building to be erected pursuant to this permission shall be first occupied or brought into use until:-</p> <ul style="list-style-type: none"> i. All the necessary remedial measures have been completed in accordance with the approved details contained within plans

	<p>LHWD01, LHWD02 and LHWD03 and the extracts provided from the Geo-environmental assessment report together with the Visqueen gas barrier information received on 26th October 2018 GB-18, GB-02, GB-12, GB-01 GB-14 and the data sheet, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>ii. It has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Part 2 Local Plan.</i></p>
<p>4.</p>	<p>The surface water drainage scheme and foul sewerage scheme, including the attenuation feature approved under planning reference 18/00687/FUL shall be implemented in accordance with the approved plans prior to the completion of the development. Details of how the drainage system shall be maintained and managed after completion and for the lifetime of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.</p> <p><i>Reason: To prevent the increased risk of flooding, to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2012).</i></p>
<p>5.</p>	<p>The public highways including street lighting, drainage, utility services and public visibility splays shall be completed in accordance with 07282-121 Rev H, 07282-123 Rev G, 07282-135 Rev C, 07282-137 Rev B, 07282-171 Rev E, 07282-120 Rev G, 07282-170 Rev J, 07282-136 Rev C, 07282-124 Rev D, 07282-122 Rev H, 07282-100 Rev J, 07282-130 Rev G, 07282-110 Rev F, 07282-131 Rev H, 07282-111 Rev F and 07282/175 Rev F</p> <p><i>Reason: In the interests of highway safety.</i></p>
<p>6.</p>	<p>No dwelling shall be first occupied unless and until its associated access driveway and/or parking spaces have been constructed to prevent the unregulated discharge of surface water from the driveway and/or parking spaces onto the public highway.</p> <p><i>Reason: In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing danger to road users.</i></p>
<p>7.</p>	<p>Wheel washing facilities as set out in the email of 4th July 2018 shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or</p>

	<p>carried onto the public highway. These facilities shall be retained on the site until the substantial completion of construction work.</p> <p><i>Reason: In the interests of highway safety.</i></p>
8.	<p>Protective fencing as shown in the Hamps Valley Limited report received on 21st August 2018 shall be erected around the two areas containing protected trees in accordance with the following detail:</p> <ul style="list-style-type: none"> - Area A4 adjacent to plot 251 (Ash Trees) require an RPA 5.7 radius from the trees. - Area A3 adjacent to plot 194 (Oaks and Hawthorne’s) require an RPA 8m radius from the trees moment. <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected.</i></p>
9.	<p>The approved landscaping scheme as shown on plan AAGDR03-SLP Rev P received by the Local Planning Authority on 6th July 2020 shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 10 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) within Schedule 2, Part 1, Classes A, B, or C shall be made to the following dwelling house(s) as shown on drawing number AAGDR01-SLP Revision U: Plots 223, 224 and without the express permission in writing of the Local Planning Authority.</p> <p><i>Reason: To protect the amenity of neighbouring occupiers and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan.</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>Any tree works should be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. Birds, their nests</p>

	and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
3.	Greasley Footpaths Number 54 and 55 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contacted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.
4.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. This may result in problems to occur in the future, particularly as a result of the development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.</p> <p>The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided on https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p>



Legend

 Site Outline

Photographs

View towards the top of Filbert Drive towards the open space on Acorn Avenue and public footpath at the back of properties on Robina Drive.



View towards north-east corner of the site.



View of north side of Alton Drive towards rear of properties on Robina Drive.



View from the top of Alton Drive towards the link section of Acorn Avenue



View from top of Alton Drive towards the south-west corner of the site and existing properties on Acorn Avenue

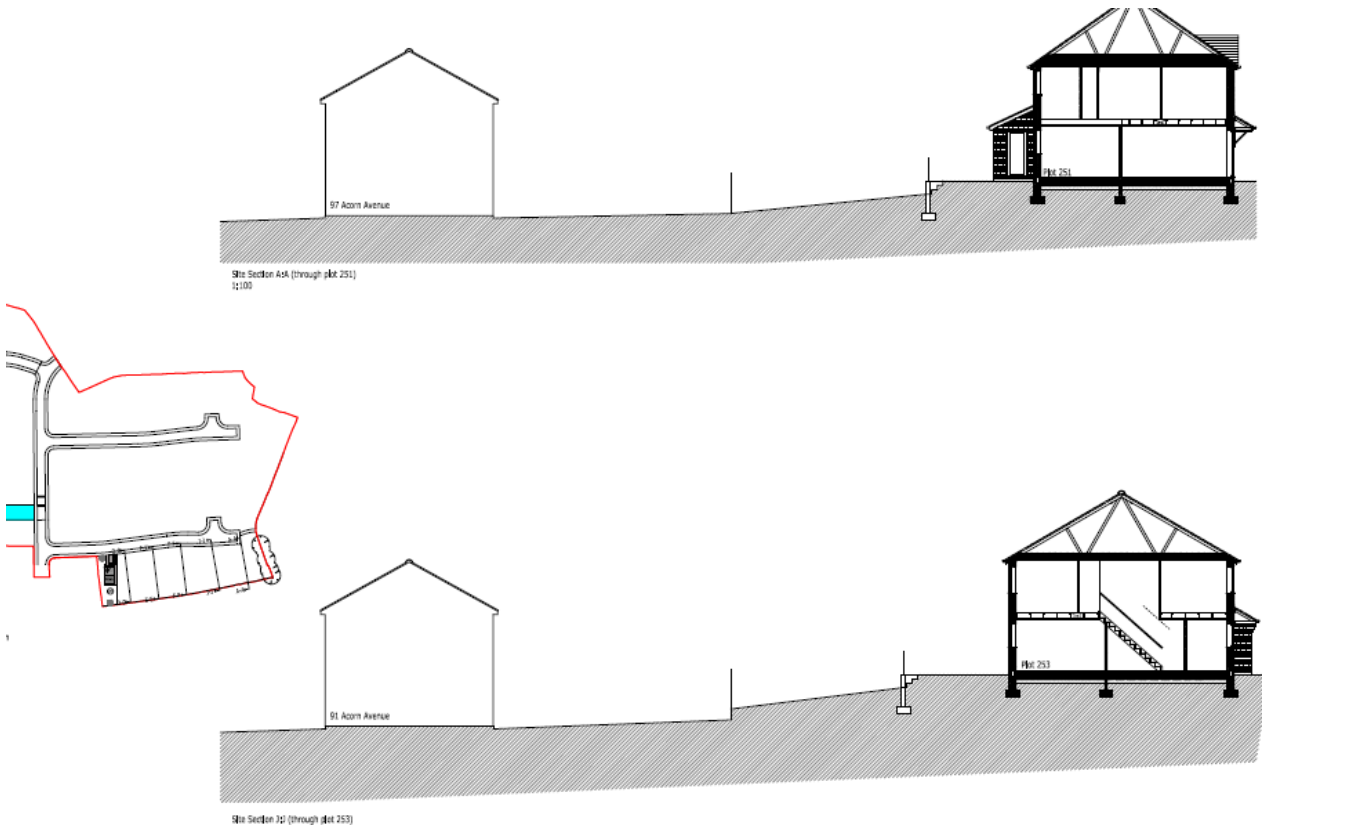


Plans (not to scale)

1:1 The plan of the site shows the proposed development of 100 dwellings. The site is bounded to the north by Acorn Avenue, to the east by Acorn Avenue, to the south by Acorn Avenue, and to the west by Acorn Avenue.



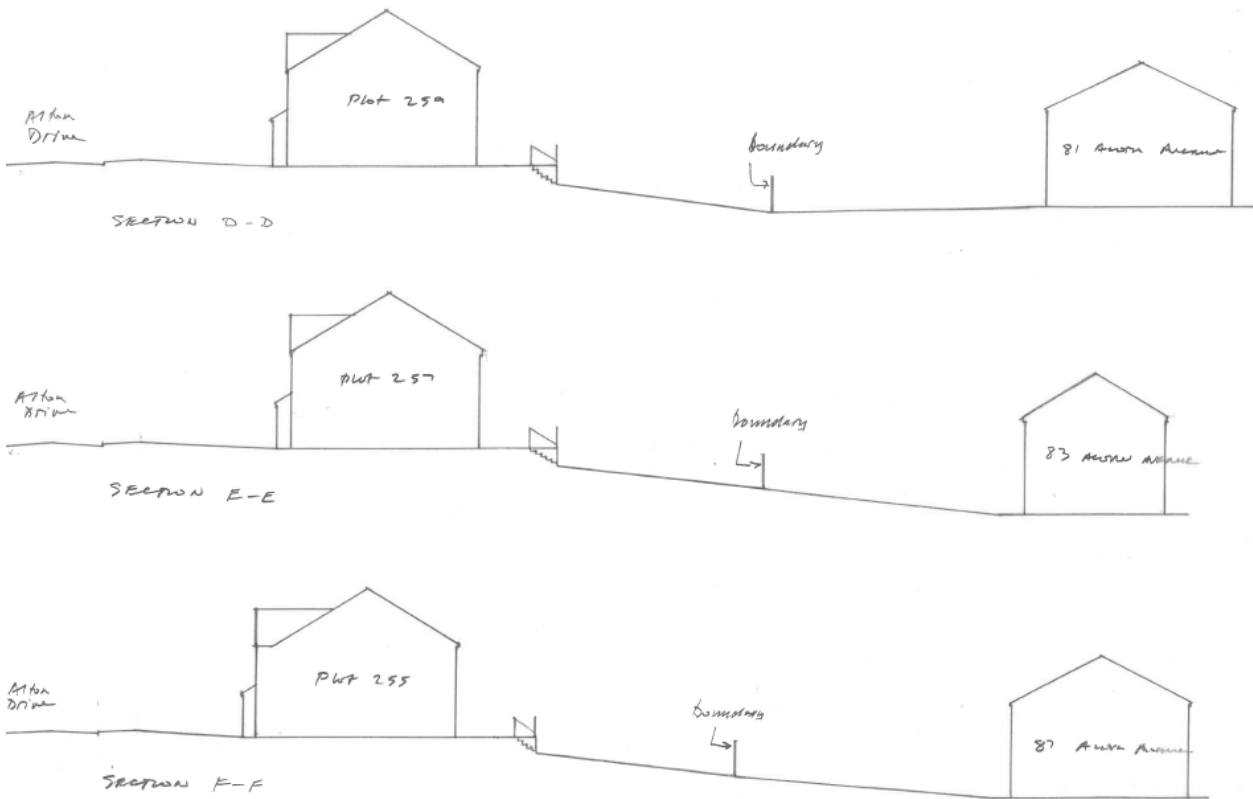
Landscaping plan.



Site sections plot 251 and 253



Site section plot 260



Site sections for plots 255, 257 and 259



House type KE7



House type B6