

Report of the Chief Executive

APPLICATION NUMBER:	20/00116/FUL
LOCATION:	Field Farm, Ilkeston Road, Stapleford, NG9 8JJ
PROPOSAL:	Hybrid application comprising: Full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail, financial and professional services, restaurants/cafes, drinking establishments, hot food takeaways - Classes A1-A5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved).

The application is brought to the Committee as the S106 contributions are not policy compliant and because of the size of the proposed development.

1 Executive Summary

- 1.1 This is a major hybrid planning application comprising two elements. Detailed (full) planning permission is sought for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline planning permission, with all matters reserved except for access, is sought for up to 200 dwellings, a local centre (comprising a use(s) falling within an 'A' Use Class), associated infrastructure, flood attenuation works and open space.
- 1.2 Outline permission was granted in 2014 for up to 450 dwellings (11/00758/OUT) and phase 1 (118 dwellings) has reserved matters approval (15/00841/REM) and is being constructed. The outline permission has now expired so this application has been made for the remaining part of the site. The detailed application will comprise phase 2 (132 dwellings) of the development of the wider site. A mix of dwelling sizes is proposed, with the design relating to three main character areas based on the principles established with the phase 1 development. Access will be taken from Ilkeston Road and this forms the southern boundary of the site with Boundary Brook forming the northern boundary. A drainage pond and play area are proposed towards the west of the site beside a right of way, with the phase 1 site beyond. The outline site (200 dwellings) is to the north east of the phase 2 site and extends to the railway line, with a TPO woodland retained which extends from Mayfield Drive to the east towards the brook. The total number of dwellings across the wider site will remain as approved at outline stage – up to 450 dwellings.
- 1.3 The main issues relate to the design of the development, the impact of the development on flooding and ecology and whether the principle of the inclusion of a local centre is acceptable.

- 1.4 The design of the dwellings comprising the full application is based on the design approved by an Inspector in relation to Phase 1 so is considered to be acceptable. A drainage strategy has been agreed by the LLFA and extensive flood mitigation works were undertaken as part of the phase 1 development so the development is considered to be acceptable in flood risk terms. Ecological surveys submitted have been accepted by NWT and the TPO woodland is to be largely retained as part of the outline site. The ecological impacts of the development are considered to be acceptable. Given the size of the proposed local centre (500 square metres), it is considered to have no detrimental impact on the vitality or viability of Stapleford town centre and will meet the local need generated by the occupants of the development.
- 1.5 The Committee is asked to resolve that the hybrid application be approved subject to the comments of Highways England being addressed, the s106 Agreement being completed and the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This is a major hybrid planning application comprising two elements. Detailed (full) planning permission is sought for 132 dwellings, associated infrastructure, flood attenuation works (including a drainage pond), play area and open space. These 132 dwellings would form Phase 2 of the development on the Field Farm site. Outline planning permission, with all matters reserved except for access (which would be taken from the main spine road through the development), is sought for up to 200 dwellings, a local centre (comprising a use(s) falling within an 'A' Use Class i.e. A1 - shops, A2 - financial and professional services, A3 - restaurants and cafes, A4 - drinking establishments or A5 - hot food takeaways), associated infrastructure, flood attenuation works and open space.
- 1.2 Within the detailed application, a mix of dwelling types is proposed with some apartments (two storey) but predominantly two or three storey houses:
- 8x one bedroom dwellings
 - 33x two bedroom dwellings
 - 42x three bedroom dwellings
 - 39x four bedroom dwellings
 - 10x five bedroom dwellings.
- 24 of the proposed dwellings will be affordable housing, located fronting Ilkeston Road and also either side of a road towards the centre of the site. A density of 41 dph is proposed on the phase 2 site, with a density of approximately 18.5 dph on the outline site (lower density due to the TPO woodland and proposed landscaped buffers to the brook). Access to the development is to be taken from Ilkeston Road but two roads from the phase 1 site will also connect through to this phase 2 site. The proposed drainage pond and equipped play area will be located between these two roads. Soft landscaping is proposed across the site with a footpath/cycleway parallel to Ilkeston Road beside a hedgerow and tree planting would take place alongside Field Farm Way (the main spine round through the development site). A 2m wide footpath is proposed beside Boundary Brook as a continuation of the perimeter path agreed as part of the Phase 1 development.
- 1.3 The application relates to a smaller part of the site that has previously been granted outline permission for up to 450 dwellings, with the sole change now proposed being the inclusion of a local centre as part of the outline application. This would be up to 500 square metres of floor space and provide retail, restaurant/café, hot food takeaway, drinking establishment or financial and professional services premises. It may be a single unit and use or a combination of smaller units and uses. The total number of dwellings proposed on the larger site as a result of this application remains 450. Access to the outline site would be taken from the main road through the phase 2 site.
- 1.4 The following supporting documents were submitted with the application:
- Design and access statement (including Building for Life 12 assessment)
 - Noise assessment
 - Flood risk assessment and drainage strategy
 - Transport assessment
 - Residential Travel plan

- Phase II Geotechnical ground investigation
- Arboricultural report
- Preliminary Ecological appraisal
- Statement of community involvement
- Planning statement.

1.5 During the course of the application, a Health Impact Assessment, bat survey and traffic modelling report were submitted, in addition to further information about the proposed finished floor levels and drainage strategy (including proposed maintenance arrangements), and amendments were made to the layout, landscaping and design of certain dwellings.

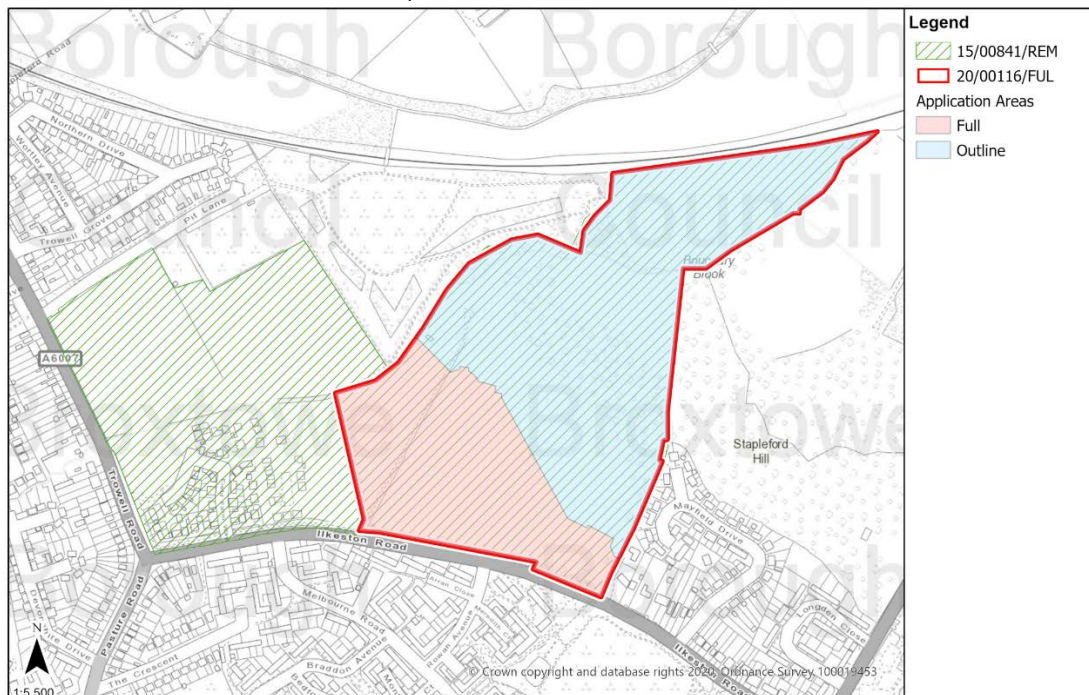
2 Site and surroundings

2.1 The larger site was allocated as a Sustainable Urban Extension (SUE) housing site for 450 dwellings in the Aligned Core Strategy (2014).



Extract taken from ACS, Appendix A

2.2 The site has an irregular shape with the full application site having an area of 5.59 hectares and the outline site, an area of 10.92 hectares.



Ilkeston Road, with an adjoining hedgerow, forms the southern site boundary and a proposed public right of way forms the western site boundary with the immediately adjacent phase 1 development site. Boundary Brook, with vegetated banks, is located to the north of the full application site and to the north west of the outline site. A railway embankment adjoins the northern boundary of the outline site. There are sporadic trees adjacent the railway line and denser tree cover beside the south eastern and eastern boundaries of the outline site. A TPO woodland extends into the outline site from the eastern boundary adjacent to the northern section of Mayfield Drive towards Boundary Brook. Apart from this TPO woodland, the site is arable fields. The site is in Flood Zone 1.

- 2.3 To the west of the site, a public right of way runs from Ilkeston Road to the brook (Footpath no. 5). In order to facilitate development of the Phase 1 site, an application to extinguish this path was made in June and agreed on 21st August 2020 (subject to 6 week challenge period). A new (diverted) path will be created on the western site boundary. This diverted path is shown on the submitted plans. Beside the brook, the existing path then follows the north west site boundary on Pit Lane recreation ground (Footpath no. 19). It then crosses the north east section of the site before extending into the Stapleford Hill area to the east (Footpath no. 77).
- 2.4 Land slopes down across the site from the south and east towards the Boundary Brook, with steeper falls on the eastern side of the site. The north eastern part of the site rises up from the brook towards the northern site boundary with the railway located on an embankment between 2-5m higher than the adjacent part of the site. Ilkeston Road is located at a higher level than the site.
- 2.5 The site is located 1.6 kilometres north of Stapleford town centre. There is a bus stop to the south of the site on Ilkeston Road serving the number 18 route to Stapleford and Nottingham (every hour during the working day). A bus stop on Pasture Road to the south west of the site serves the my15 route running between Ilkeston and East Midlands Airport (every 15 minutes during the working day). The number 21 route running between Ilkeston and Nottingham (every hour during the working day) is served by a bus stop of Trowell Road to the west of the site.
- 2.6 Stapleford Hill Local Wildlife Site, Local Nature Reserve (LNR), Local Green Space (Prominent Area for Special Protection) and informal open space is located to the east of the site, with the Nottingham-Sheffield railway line to the north of the site and the Nottingham Canal LNR beyond which includes Swancar Bridge, a Grade II listed building. The canal is part of a Green Infrastructure Corridor and two such corridors run broadly east-west across the northern part of the application site. Pit Lane recreation ground (a nature reserve and informal open space), car park, football pitch and allotment gardens lie to the north and north west of the site, with housing on Trowell Grove beyond to the north west. Residential properties adjoin part of the eastern boundary on Mayfield Drive and Ilkeston Road, and opposite the southern site boundary on Ilkeston Road. The land beyond the northern site boundary (situated within the Green Belt) rises up towards the north and the land beyond the eastern site boundary rises up to the high point of Stapleford Hill, which is largely covered by woodland. Pit Lane recreation ground, which is predominantly open grassland with trees to the

eastern side, is generally located at a higher level than the majority of the application site. Mayfield Drive rises from south to north to the east of the site.

- 2.7 There is a field adjacent to the north eastern section of the site which forms part of a housing site to the rear of Bramcote Crematorium, land west of Coventry Lane, which is allocated for 240 dwellings (outline application for smaller part of this allocated site is currently pending consideration – 20/00352/OUT). A mixture of dwelling types form the development in the immediate area including three storey flat blocks, detached, semi-detached and terraced housing and bungalows. The adjacent Phase 1 housing site (118 dwellings) is at an advanced stage with several dwellings completed and occupied. The design of many of the Phase 1 dwellings will be replicated by those proposed in the full application under consideration here.

3 Relevant Planning History

- 3.1 Outline planning permission for up to up to 450 dwellings (with all matters reserved except for access) was granted on 4 November 2014 (reference 11/00758/OUT) in relation to the larger site. This followed a committee resolution to grant permission in April 2013. The Secretary of State then confirmed that the application would not be called-in for determination following the adoption of the Broxtowe Aligned Core Strategy in September 2014 which removed the site from the Green Belt.
- 3.2 A scheme for development of 450 dwellings on the larger site was considered by a Design Review Panel in September 2015. This panel comprised experts from the built environment sector, chaired by an architect, who provided impartial advice on the scheme presented. A site visit was undertaken by the panel and then a discussion was held by the panel with the Council and the developer. After the panel session was held, a letter containing the comments and recommendations of the panel was provided.
- 3.3 In April 2016, the reserved matters application for Phase 1 (15/00841/REM) was refused approval based on poor overall design quality and failure to create a distinctive place but was subsequently allowed on appeal (February 2017). This phase of development is currently being built out.
- 3.4 In July 2016, it was determined prior approval was not required to demolish the farmhouse and barn on the site (16/00422/DEM). These two buildings have since been demolished.

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 3: The Green Belt

- Policy 6: Role of Town and Local Centres
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- 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 (P2LP) on 16 October 2019.

- Policy 1: Flood risk
- Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations
- 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 22: Minerals
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- 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 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities.
- 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.
- Section 15 – Conserving and enhancing the natural environment.
- Section 16 - Conserving and enhancing the historic environment.

5 Consultations

5.1 **Highways England (HE)** - request additional modelling of Bramcote roundabout, A52/Wollaton Vale roundabout, A52 QMC roundabout and A52 Bardills roundabout be undertaken to assess junction capacities and clarification on assessment years and as such recommend a holding notice (that the application

is not determined until such information has been assessed and agreed by HE). The comments of HE on the additional information submitted are awaited.

- 5.2 **County Council Highways (including Rights of Way Officer)** – 25.6.20 comments – request amendments to layout, subsidence issues will potentially compromise adoption of roads in high wall area, and additional tracking information for refuse vehicles and Bramcote Island modelling work is requested. Notes a S106 contribution will be used to deliver a more comprehensive package of measures at the Hickings Lane/Coventry Lane mini islands with Ilkeston Road. Balloon Woods junction under jurisdiction of Nottingham City. No public rights of way are affected by proposal. Understood applicant has applied to extinguish Stapleford Footpath 5 and new walking/cycle route to be provided through phase 2. Request clarification on these arrangements.
- NCC Highways** 14.8.20 comments - request further amendments to layout including visibility splay issues for individual properties, tracking for service vehicles, need for footway on both sides of road serving plots 141 to 173, and some concerns re tight bend to front of plots 138 and 139. Advise management company will be required to be secured through S106 agreement for the private drives serving more than 5 dwellings. Withdraw request for A52 Bramcote Island modelling.
- NCC Highways** 2.9.20 comments – satisfactory visibility splays for individual properties now shown but additional revisions required to cover other issues raised. Comments provided on Travel Plan and amendments advised.
- NCC Highways** 17.9.20 comments – no objections subject to conditions relating to parking and highway details for outline site, details of commercial premises occupant on outline site (as if single user, this could result in pass-by trips diverting into site on residential roads, some of which may be articulated delivery vehicles so this would need to be prevented) and the following conditions in relation to the full site: driveway surfacing and drainage, landscaping scheme to replace trees removed beside Ilkeston Road to create footpath/cycleway, provision of off-site highway works (back-to-back ghost island right-turn lanes, pedestrian crossing points and 3m wide shared footpath/cycleway), management and maintenance arrangements for driveway serving plots 229-235 (as this does not meet adoptable standards – suggested this matter should be included within the S106 agreement), Construction Method Statement (including parking for site operatives, storage of plant, security hoarding and wheel washing), Travel Plan submission and an application to be made for a Traffic Regulation Order to control on-street parking on Ilkeston Road. In addition, it is requested permission is withheld until a S106 agreement has been completed which secures £343,000 towards local corridor improvements.
- 5.3 **County Council Strategic Policy** – site is within Minerals Safeguarding and Consultation Area for surface coal so advice should be sought from Coal Authority, waste audit should be submitted, health impacts of development should be considered, potential bus stop locations should be identified, and S106 contributions towards secondary education (£1,265,375) in the Bramcote Secondary Area (sufficient capacity to accommodate primary places) and £4,657 towards additional stock for Stapleford library are requested.
- 5.4 **County Council as Lead Local Flood Authority (LLFA)** – no objection subject to surface water drainage scheme condition based on principles of the submitted

FRA and Drainage Strategy. Following receipt of additional drainage information for the full application site, confirm this part of the development should be undertaken in accordance with the submitted scheme and that details of the outline drainage scheme(s) should be secured by condition.

- 5.5 **Severn Trent Water Ltd** – no objection to foul being connected to public sewer but developer may need to provide a sewer modelling study as part of section 106 sewer connection approval. STW may need to undertake more comprehensive study of catchment to determine if capital improvements are required. Advise informative regarding potential presence of sewers on site.
- 5.6 **Environment Agency** - This section of the wider development lies fully within flood zone 1 and therefore no fluvial flood risk concerns associated with the development. No other environmental constraints associated with the site and therefore no further comment to make.
- 5.7 **Coal Authority** – note application site falls within Defined High Risk Area as the site has been subject to past surface mining operations. The full application layout has been designed to take account of the high wall of the former surface extraction, the location of which is confirmed by the submitted Supplementary Geotechnical Ground Investigation Report. On basis the foundations are installed in accordance with the recommendations of this report (building regulations matter) and the any future development layout avoids the 'no build zone', no objection.
- 5.8 **Police Architectural Liaison Officer** – fully supports proposal as consideration has been given to resistance to crime and anti-social behaviour through use of active frontages and dual aspect dwellings, mixture of house types and sizes to assist in creating diverse community with balanced level of activity and well defined streets. Advises developer to apply for Secured by Design Gold Award for development.
- 5.9 **Network Rail** – no objection to the principle of the development subject to conditions and financial contribution towards improvements at Beeston station. Conditions relating to the following are advised:
- Provision of fencing and Armco or similar barriers beside roads adjacent railway
 - Construction method statement for works adjacent the railway
 - Earthworks/excavations in vicinity of railway to be designed/executed to avoid interference with railway
 - Operations in vicinity of railway to be carried out in 'fail safe' manner
 - Details of use of any vibro-compaction machinery and scaffolding within 10m of railway
 - All buildings should be at least 2m away from Network Rail's boundary
 - No encroachment of Network Rail land during construction and after completion of development and access to be maintained to NR land
 - Sound proofing of dwellings adjacent railway
 - Planting species need be considered to avoid encroachment on railway and NR consulted on landscaping scheme
 - Lighting should avoid dazzling train drivers.

Boundary fencing, Armco barriers, method statements, sound proofing, lighting and landscaping should all be conditioned in interests of safety, operational needs and integrity of railway.

- 5.10 **Nottingham University Hospitals NHS Trust** – request a contribution of £119,910 towards funding of emergency healthcare and staffing to be paid before development commences.
- 5.11 **Nottinghamshire Wildlife Trust (NWT) (8.6.20)** – satisfied with conclusions and methodology of Preliminary Ecological appraisal despite it being undertaken at suboptimal time of year (December). Recommendations in report should be carried out in full and bat and breeding bird surveys should be undertaken prior to determination to enable appropriate mitigation to be included in plans. A detailed landscaping plan should also be provided prior to determination which shows retention of wet willow woodland beside the brook, retention and enhancement of southern hedgerow and enhancement of ponds periphery for wildlife. Recommends provision of a Construction Environment Management Plan is conditioned to ensure ecological impact avoidance measures are implemented prior to and during construction e.g. storage of materials on hardstanding/arable areas to avoid disturbing Boundary Brook/woodland.
- NWT (3.8.20)** – pleased to see some amendments to landscaping plan in line with ecology report recommendations have been incorporated. Disappointed updated breeding bird surveys have not been undertaken although the range of measures proposed should benefit species that were known to be present previously, as well as generalist species likely to be present. Query regarding management of arable land as believe all will be lost from site. The outcome for red listed birds reliant on arable habitats (including skylark and yellowhammer) would be a net loss of breeding and feeding habitat – this should be addressed. Request bat surveys.
- NWT (7.9.20)** – welcome updated bat survey and satisfied with methodology and recommendations. Advise further bat surveys should be conducted as detailed in recommendations of report, and that breeding bird surveys are required.
- NWT (8.9.20)** – welcome amendments made to landscaping plans: retention of wet willow woodland beside Boundary Brook (where possible), retention and enhancement of southern boundary hedgerow and enhancement of pond periphery for amphibians and reptiles are all now shown. Construction Environmental Management Plan and water vole/reptile surveys still required.
- 5.12 **Council's Parks & Green Spaces Manager** – notes good distribution of trees throughout scheme. Various amendments/clarification requested regarding proposed landscaping scheme and play area and plans amended accordingly.
- 5.13 **Council's Environmental Health Officer:** has no objection to the proposal subject to a number of conditions relating to gas protection measures, noise/vibration assessment for dwellings proposed adjacent to the railway, ventilation/glazing as specified in noise assessment for dwellings beside Ilkeston Road, opening and delivery hours of the local centre, ventilation and filtration equipment details and plant, equipment and machinery details for the local centre, use of piling, unexpected contamination and construction hours. Such conditions are required to protect residential amenity, in the interests of public health and

safety and to help try and mitigate the potential for complaints about noise relating to the use of piling (which were received in relation to phase 1).

- 5.14 **Council's Housing Services & Strategy Manager** - no objection to provision of 25 per cent affordable housing in line with previous s106 agreed for site. Advises the demand for shared ownership and for affordable rent in Stapleford is even at 2 and 3 bedroom accommodation.
- 5.15 **Council's Waste and Recycling Officer** - provides information about bin requirements for development and confirms safe access to service bins has been provided.
- 5.16 **Council's Tree Officer** - various concerns with regards to the trees on site. The establishment of a footpath alongside Boundary Brook is of concern as the trees in this location are predominantly old willows with associated defects and management needs which will require essential works to make them safe with or without a path in that location. Works to reduce the spread of the trees and crown reductions are detailed within the submitted tree report and have no objections to the works from an arboricultural perspective. However, there will need to be a management plan in place for safety inspections and further maintenance as the need arises, as once people and property are in the area then the dynamics of the site change considerably. In relation to the TPO plantation, at the time of placing the TPO on the area, it was envisaged that there would be a requirement to allow access to the rear portion of the site, which was the reason for not protecting the entire area of the plantation. Trees to be removed in this area will need to be marked to show the extent of removal prior to works commencing. Objects to proposed haulage road through plantation, with an 11m wide clearance zone, with the width of the track being reduced to approx. 3m once construction works have ceased as future tree planting in this area will be compromised in this TPO protected area and given that there will be available space to gain access for construction traffic around the edge of the site once the none protected trees within the plantation are removed. Having a footpath through the plantation could encourage deviation from the path into the surrounding tree area. Has no objections to the proposed thinning out of the plantation to encourage good growth habitat for the trees on site.
- 5.17 Bramcote Neighbourhood Forum made comments raising concern that no plans available on line, despite notification having been received and that proposal includes non-residential development on land specifically taken out of Green Belt for housing which will put pressure for more residential development elsewhere in the borough.
- 5.18 72 properties either adjoining or opposite the site were consulted by letter by the applicant and 9 site notices were displayed around/in the vicinity of the site (on two occasions). 21 responses were received of which 18 were objections and 3 were observations. The comments made can be summarised as follows:

Ecology

- Developer has generally worked sensitively with site constraint
- Habitats within and adjoining site will be affected

- Greater buffer zone required along Boundary Brook to avoid loss of valuable wet woodland habitat – path location should be revised and condition used accordingly
- Outline application should be refused until Environmental Impact Assessment, in conjunction with Coventry Lane development, has been concluded as changes to Green Belt have been made since site allocated for housing
- Stapleford Hill Local Nature Reserve (LNR) will be isolated and fragmented, exacerbated by Coventry Lane West development
- Increased usage of LNRs from 1230 dwellings not been considered
- Green space, tree and hedgerow removal and haul road through woodland not supported due to habitat fragmentation, impact on wellbeing, impact on carbon dioxide absorption (reduced as trees lost) and related climate change implications
- Preliminary Ecology report carried out an unsuitable time of year (December 2019)
- Additional surveys should be completed prior to determination
- Independent wildlife survey should be undertaken given presence of protected species on site
- Independent biodiversity net gain report should be undertaken as application not transparent on this issue
- Insufficient mitigation for tree loss from TPO plantation – no net gain
- Outline site development forms barrier to Green Infrastructure corridor and green connectivity, adversely impacting on wildlife
- Development within Combined Habitat – Network Expansion Zone (Natural England) and Greenwood Community Forest where core principle is to increase tree cover. Application needs to demonstrate how this will be achieved and managed.
- Impact on and loss of wide variety of plants and animals
- More trees needed and holding pond and green areas should be made larger
- TPO area included within proposed development area
- Sandstone easily eroded and already problems on Stapleford Hill (predominantly caused by bikes) – increased use will exacerbate problems
- Protection of flora and fauna on and off site needed during construction
- Habitats should be enhanced

Flooding

- Since building of Phase 1, Boundary Brook unable to cope with extra surface water and this development will exacerbate problem
- Decrease in infiltration capacity
- Floodplain site
- Works needed on Boundary Brook through to River Erewash to increase capacity
- 3 severe flooding issues in Trowell Park in last 8 months as result of Boundary Brook overflowing – FRA should be revised to take these events into account. Flooding has caused distress for affected residents.
- Gardens on Pasture Road waterlogged since phase 1 built
- Inadequate flood defences for development
- No-one taking responsibility for failure of holding pond on site

- Lack of soakaways which were initially proposed so holding pond size should be increased
- Financial compensation should be provided to enable flood resilience measures for flooded properties and to compensate for reduced property values
- Arrangements to prevent flooding are not working – phase 1 shouldn't have been allowed (concerns were raised) and phase 2 should be refused
- Need for housing shouldn't be at expense and safety of nearby properties affected by flooding
- Large areas of standing water observed on site

Handling of application/ consultation

- Details of application need to be published on Broxtowe website
- Application incomplete and does not meet validation requirements – sequential test required, planning application forms contain errors, insufficient regard to energy efficiency and plans unclear, particularly with regard to plantation
- Lack of community involvement with application – site notice observed months after application first submitted
- Need to see more detailed plan than that on site notice
- Insufficient pre-application consultation by Westerman – only 300 flyers delivered and pre-application consultation event poorly advertised

Other issues

- Loss of rural feel/setting and footpaths
- Noise and visual pollution
- Green Belt land should be protected
- Even if object, development goes ahead anyway – Broxtowe one of most built up boroughs in Midlands
- Road congestion and pollution
- Traffic in Trowell at unsustainable levels
- Fast food and drinking establishment will be detrimental to existing retail businesses in area, potentially become centre for anti-social behaviour and create waste
- Need for local centre questioned given community centre, supermarket and several takeaways/cafes/restaurants within walking distance of site – initial concept was for proposed residents to aid existing local businesses.
- Capacity of schools, nurseries, community services, hospitals and GPs
- Too many developments in area.

6 Assessment

6.1 The main issues for consideration are whether the principle of the development is acceptable, flood risk, ecology, design, amenity, highway safety, acceptability of proposed local centre and S106 contributions.

6.2 Principle

6.2.1 The site is part of a larger committed housing site which was granted outline planning permission for up to 450 dwellings in 2014, following the adoption of the Aligned Core Strategy which removed the site from the Green Belt. Up to 450

dwellings are still proposed across the larger site but a local centre (A1, A2, A3, A4 or A5) is now proposed as part of the outline application. This will comprise one large or several smaller units up a total size of 500 square metres and will be one use or several uses within the A use class, providing for the needs of the residents of the development. The local centre is therefore considered to accord with Policy 13 of the Part 2 Local Plan 2019.

- 6.2.2 The principle of the development is considered to be acceptable subject to consideration of the matters below.

6.3 Flood risk

- 6.3.1 Boundary Brook is an ordinary watercourse and tributary of the River Erewash (located approximately 900m west of the site), flowing in a westerly direction adjacent to the north west site boundary. A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted which identifies and assesses the risks from all forms of flooding to and from the development and demonstrates how these flood risks will be managed. It includes a detailed modelling study of the Boundary Brook. During the course of the application, additional surface water drainage information for the full application site, including proposed management and maintenance arrangements, has been submitted.
- 6.3.2 The current application site falls entirely within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding. According to the FRA, there is some surface water flood risk shown along the north west site boundary associated with exceedance of Boundary Brook during intense rainfall and parts of the site are susceptible to groundwater flooding due to rising flood levels from the River Erewash and/or Boundary Brook.
- 6.3.3 As the site is greenfield, drainage of the site will have to mimic the greenfield run-off rates. The surface water drainage system will be designed to accommodate a 1 in 30 year rainfall event and a 1 in 100 year plus climate change storm event (40%) on site. Soakaways are not viable due to the presence of clay on site. An attenuation pond is to be provided on the Phase 2 site and finished floor levels of buildings will be raised 150mm above existing ground levels in the area of surface water flood risk. The pond collects the majority of surface water from the site as well as rainfall. Once water flows into the pond, the speed of flow would slow and any silt etc would be deposited on the base of the pond. A vortex flow control would help regulate the water. The Council will be responsible for the maintenance of the attenuation pond, with the flow controls/pipework being maintained by Severn Trent Water. Details (including management/maintenance arrangements) of surface water drainage proposals for the outline site will be conditioned, as will the requirement for the Phase 2 scheme to be implemented in accordance with submitted details.
- 6.3.4 A 1200mm diameter sewer tank was constructed as part of the Phase 1 development to safeguard future sewer capacity and Phase 2 will connect to this sewer. Approval of Severn Trent Water (STW) will be required to connect to public sewers and STW have advised a modelling study may be required. This will be dealt with under a separate agreement with STW. Phase 1 includes a holding pond (completed 2018) and works were also undertaken to the north of Boundary Brook in 2017 to create a flood storage compensatory area to equal or exceed in

volume terms the amount of land below the flood level infilled on the southern side of the brook (it provides in excess of 3000m³ of additional storage volume). The holding pond is regularly inspected by the applicant to ensure appropriate maintenance and management.

- 6.3.5 Where Boundary Brook flows through the site, it is classed as an ordinary watercourse and Nottinghamshire County Council is the Lead Local Flood Authority (LLFA) responsible for managing flood risk from such a watercourse. The Environment Agency (EA) are responsible for managing flood risk from main rivers so are responsible for the River Erewash. Severn Trent Water are responsible for foul drainage and have previously installed some tanks beneath Stapleford Road and Trowell Road to provide additional storage capacity in 2008-9. None of these consultees have raised an objection to the planning application.
- 6.3.6 A virtual multi-authority meeting was held by the local MP in August 2020 to discuss the flooding concerns raised by Trowell Park estate residents. Representatives from the EA, LLFA, Severn Trent Water, Via on behalf of County Council as highway maintenance authority and Broxtowe Council were in attendance, as well as a number of local residents and councillors. At this meeting, the EA confirmed there had been unprecedented rainfall (between March 2019 and February 2020, 9 of the 12 months were recorded as above average rainfall) and importantly, the Field Farm development is not causing increased flood risk downstream. A further site meeting is to be held on the Trowell Park estate with the EA, Severn Trent Water and the LLFA to discuss the issue further. A new Flood Warning System for Boundary Brook has been established and the outcome of a funding application for flood resilience measures for individual properties is awaited. Whilst the impact of flooding is understandably very distressing for those affected, the existing and proposed development on Field Farm has not caused increased flood risk off site.
- 6.3.7 Subject to suitable conditions, it is considered that the development would be compliant with the requirements of the NPPF and Policy 1 of the ACS and BLP in relation to flood risk.

6.4 **Ecology**

- 6.4.1 A TPO plantation extends from the eastern site boundary towards Boundary Brook within the central part of the outline site. Two Local Nature Reserves (LNR) adjoin the site (Pit Lane Recreation Ground to the west and Stapleford Hill Woodland to the east). A third LNR is located to the south east of Stapleford Hill (Bramcote Hills Park Woodland) and together these three LNRs form part of a secondary Green Infrastructure corridor extending from Erewash to Wollaton Hall. The outline site includes another secondary Green Infrastructure corridor which forms the Bramcote and Boundary Brook corridor. There are four Local Wildlife Sites within 500m of the site including Stapleford Hill, adjacent to the eastern site boundary and Nottingham Canal to the north.
- 6.4.2 A Preliminary Ecological Assessment (PEA) was submitted with the application which states that there are records of bats, water vole and reptiles for the site and notes bat boxes have been installed on several mature willow trees along the banks of the brook. A bat survey of the Phase 2 site trees and bird

compensation/enhancement scheme were submitted during the course of the application.

- 6.4.3 The site is predominantly arable land with woodland and scattered trees around the perimeter and through the centre of the site. The TPO woodland is an immature to semi-mature broad leaved plantation including cherry, silver birch, oak, hawthorn, ash and field maple. Willow trees grow beside the brook with understorey vegetation dominated by elder and Himalayan balsam on some sections. The hedgerow beside Ilkeston Road comprises hawthorn, blackthorn, cherry, elder, wild privet, goat willow, dog rose and bramble.
- 6.4.4 Policy 28 (Green Infrastructure Assets) and Policy 31 (Biodiversity Assets) of the P2LP seek to ensure no significant harm is caused to environmental assets, including protected habitats and species. Both policies share their main evidence base as the Council's Green Infrastructure Strategy. If significant harm is identified, then the P2LP policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 6.4.5 The PEA concludes that the site is considered to provide potential for nesting birds in the woodland, scrub, hedgerow, arable field and scattered trees, with the woodland providing foraging habitat for bats. Some, but limited, potential habitat exists for reptiles and water vole on site (a condition is proposed requiring water vole and reptile surveys). The development has the potential to indirectly impact on designated wildlife sites through noise and light pollution but planted buffers and use of permanent boundary treatments will minimise these impacts. As the outline site adjoins the LNRs, such matters would be dealt with through the details submitted at reserved matters stage and are covered by relevant landscaping and boundary treatment conditions. Lighting details will be conditioned for the development. The adjacent LNRs will also be impacted by increased footfall from residents, although as they are already well used, such an impact is not considered to be significant. A significant area of vegetation, forming a buffer between 8 and 42m wide, is indicated beside the northern section of the brook on the indicative outline site plans. It is acknowledged a road will pass through this area but that is necessary to provide access to the rearmost part of the site and many species will still be able to move along the corridor. Additional planting is proposed beside the brook, in accordance with the ecologist's recommendations, and additional bird and bat boxes are proposed to be attached to adjacent trees. It is considered that subject to details of the landscaping scheme for the outline site, and details of the road bridge, the development will maintain the Green Infrastructure Corridors through the site and cause no significant harm to these biodiversity assets and connectivity.
- 6.4.6 The PEA was conducted at a sub optimal time of year (December 2019) but NWT have not raised an objection to the timing of the survey and are satisfied with the conclusions and methodology. NWT have recommended a Construction Environmental Management Plan is conditioned which will require details of how construction methods will mitigate harm to flora and fauna. The bat survey concluded that whilst bat roosting evidence was recorded from bat boxes within the wider site, no roosting activity was confirmed within the Phase 2 site and three trees along Boundary Brook, with low potential for bat roosting, may be affected by the development. Before such trees can be removed, a condition will be used

to require a further bat survey. As the survey submitted also confirms that the outline site contains bats, including a breeding colony of brown long-eared bats, further bat surveys will be conditioned for this part of the site. A sensitive lighting strategy is also recommended for the development to avoid light spill to habitats of value for roosting, foraging and commuting bats (to be conditioned as detailed above).

6.4.7 Given the significant amount of arable field habitat to the north of the site, although the site supports sky lark which is a red-listed bird species (as identified in the 2015 surveys), the loss of such fields is not considered to be significant and has already been agreed through the previous grant of outline permission. The bird compensation/enhancement scheme is based on the presumption that the site is of 'District Importance' to breeding birds as this was the conclusion of the breeding bird surveys conducted in 2015. Mitigation measures proposed include:

- Vegetation clearance avoiding the bird breeding season
- Works on arable land to be carried out when crops not present i.e. when conditions are unsuitable for the ground nesting skylark.
- Bird nest boxes to be installed on TPO woodland edge, within TPO woodland and on trees around site perimeter
- Creation of 3m minimum wide grassy margins adjacent woodland
- Installation of sparrow terraces (containing a minimum of three nest chambers) on new dwellings/garages.

Conditions requiring the relevant mitigation measures for the phase 2 site and a breeding bird survey (to include mitigation measures) prior to commencement of development on the outline site will be used.

6.4.8 No independent surveys are considered to be required for wildlife or biodiversity net gain as the application has been reviewed by NWT and they are considered to have provided a comprehensive assessment of the submitted ecological surveys. In relation to biodiversity net gain, Policy 31 states this should be sought but not that development will be refused if it is not achieved. The landscaping proposals for the site are considered to be positive and will secure the long term management of the TPO woodland and provide significant soft landscaping across the site.

6.4.9 A small section of the north western end of the TPO woodland will be removed to facilitate access to the rear part of the site. This was envisaged when the TPO was confirmed and the Tree Officer raises no objection to this removal. Numerous trees are to be planted across the development site and this will be secured through condition. This is considered to be sufficient mitigation. A haul road was initially proposed through the TPO woodland but this proposal has been removed. The hedgerow beside Ilkeston Road will be largely retained (except where necessary to create access points) and enhanced (as detailed on the landscaping plans). Conditions will be used to secure protection of the TPO woodland and frontage hedge during construction and the management proposals for the TPO woodland.

6.4.10 In February 2010, the Council determined that no Environmental Impact Assessment (EIA) was required for the larger development site. This decision was challenged by lawyers acting on behalf of the applicants for the large site north of Toton. The Secretary of State subsequently 'directed' that no EIA was

required (July 2012). In making this direction the Secretary of State considered the characteristics of the development, the location of the development and the characteristics of the potential impact. Given the proximity to existing development and the Greater Nottingham urban area, the Secretary of State did not consider that proposed housing would be out of scale with the existing environment nor result in significant urbanising effects in a predominantly non-urbanised area. Pollution, nuisance, environmental sensitivity, cultural and historic value, flood risk and cumulative effects were all considered by the Secretary of State in making the direction. Given eight years have passed since this direction was issued and to take account of any changes to the environmental considerations, such as the newly allocated housing sites to the west and east of Coventry Lane, a further EIA screening opinion has been issued by the Council. This concludes that no EIA is required given the lack of significant urbanising effects and the lack of nationally designated sites within and adjacent to the site.

6.4.11 In relation to representations, and the concern expressed about the erosion of Stapleford Hill, the Council manages this LNR and has instigated measures to address issues caused by bikes. The development is within the Combined Habitat – Network Expansion Zone (Natural England) and Greenwood Community Forest where a core principle is to increase tree cover. A number of trees will be planted across the development site. A management plan will be secured via condition for the TPO woodland which will bring associated ecological benefits.

6.4.12 To conclude on ecology, the proposed development is considered to cause no significant harm to wildlife, LNRs, LWSs or the Green Infrastructure corridors, subject to further surveys and mitigation works which will be secured with conditions.

6.5 Design

6.5.1 Phase 1 has established the criteria for the design of the housing with the appeal decision. The Inspector considered the house designs, layouts and densities of the Phase 1 site to be “*generally acceptable*” and notes that “*the house types integrate well within the site and, whilst clearly none are of a highly innovative design quality, are all attractive and appropriate to the character of the neighbouring residential areas*”. The Inspector concluded that “*The proposals would provide an acceptably designed housing development which would respond adequately to the character and appearance of the immediate surroundings*”.

6.5.2 The proposed attenuation pond and play area within the phase 2 site will be located centrally with the Phase 1 development to the east. This provides a focal point for the development and aids legibility. The Phase 2 development has the same three character areas as Phase 1: boulevard, woodland and contemporary.



Character areas plan
(not to scale)

- 6.5.3 Those dwellings with the contemporary area will be adjacent to Ilkeston Road and the associated Phase 1 dwellings in the same character area. The boulevard character area extends either side of the main spine road and secondary road which extend through the site to connect with the roads on Phase 1. Dwellings within the woodland area front the open space, Boundary Brook and the woodland in the south eastern corner of the site. Materials will be different for each character area with red and buff bricks, white render, artificial slate and clay pan tiles proposed for the woodland area; red and buff bricks, white render, pantiles and plain tiles proposed for the boulevard area and cream and pale orange bricks, light blue render, blue/grey cladding, and flat, interlocking clay tiles proposed for the contemporary dwellings. Such materials are reflective of those used on Phase 1 and are considered to be appropriate. Material samples will be conditioned.
- 6.5.4 The design of the dwellings includes a variety of porch/canopy features, bay windows and dormers. Brick detailing is used, as are exposed rafters. Dwellings will be of different heights, adding interest to the street scene. Those dwellings located on corner plots will have dual frontages (windows/doors in two elevations) so as to address the street scene (including some false first floor windows on certain plots where internal layout does not permit the use of a second window for a bedroom). Dwellings will front the open space, play area and brook providing natural surveillance of these areas. A variety of boundary treatments are proposed across the site with brick walls proposed to provide attractive street scenes where gardens are adjacent to the road. The Police Architectural Liaison Officer has raised no objection to the proposed development.

- 6.5.5 The proposed dwellings will be a mix of two and three storey houses with two storey apartment buildings. One-five bedroom dwellings will be provided. 24 affordable dwellings will be provided as part of Phase 2. The density of development will be 41 dph. 10 per cent of the dwellings (13) will be M4 (2) of the Building Regulations compliant, in accordance with the requirements of Policy 15 of the P2LP. This means they will be accessible and adaptable dwellings. It is considered an appropriate mix of dwellings types has been proposed for Phase 2.
- 6.5.6 In terms of sustainable design and environmental measures, the Design and Access Statement confirms that a 'fabric first' approach has been used – *"Finance and efforts"* are concentrated *"on improving the fabric thermal performance of the dwellings, reducing thermal bridging, improving air-tightness and installing energy efficient lighting, ventilation and heating services"*. Electric Vehicle Charging (EVC) points will be provided on the 5 bedroom properties (10) and offered as an extra for purchasers of the remainder of the dwellings. Solar PV panels will also be offered as an optional extra. All the proposed houses will have water butts (124). The scheme has been designed to maximise natural daylight into the dwellings. Overall, it is considered sufficient environmental measures have been proposed and the provision of the EVC points will be secured by condition.
- 6.5.7 A landscaping scheme has been submitted for the Phase 2 site which follows the principles established by the Phase 1 development. A hedgerow will be maintained beside Ilkeston Road with pavement beside the road and tree planting will take place beside the main spine road through the development, along the site frontage, around the attenuation pond and within gardens. The play area will be built to the Council's specification as it will be managed and maintained by the Council. This is considered to be located in an appropriate and accessible location between the Phase 1 and 2 sites and beside the footpath running between Ilkeston Road and the brook.
- 6.5.8 The dwellings on the outline site will likely follow the same principles as the Phase 1 and 2 sites which is considered to be an acceptable approach. Split level dwellings may be required on the steeper sections of the site. The density of development will be lower at approximately 18.5dph due to the TPO woodland and landscaped buffers proposed beside the brook and eastern boundary.
- 6.5.9 Overall, the scheme is considered to make efficient use of the site with acceptable use of sustainable design measures and provides a mix of house types, with an appropriate design.
- 6.6 **Amenity**
- 6.6.1 The Phase 2 site will adjoin the Phase 1 development site (15/00841/REM). It is considered the design of the proposed Phase 2 scheme, including separation distance, will ensure no adverse impact on the amenity of the residents of Phase 1. The Phase 2 development will be opposite the existing properties on Ilkeston Road which are a mixture of two storey terraced houses and three storey flats. Given the intervening road, it is considered the proposed development will have no adverse impact on the Ilkeston Road residents to the south. To the east, the Phase 2 site adjoins two bungalows accessed from Ilkeston Road, with the outline site adjoining the rear gardens of the houses on Mayfield Drive. There will be a

planting buffer, a minimum of 9m wide, adjacent to the eastern site boundary. The Phase 2 dwellings will be a minimum of 30m away from the Ilkeston Road bungalows and are two storey. The dwellings shown on the indicative outline layout are a minimum of 40m away from the Mayfield Drive houses. It is considered the proposed development will have an acceptable relationship with existing dwellings.

- 6.6.2 The proposed dwellings are all considered to be of an acceptable size with good outlook from windows. All the houses will have front and rear gardens and there will be landscaping around the apartment blocks. In addition, the development site is in close proximity to Bramcote Park, Stapleford Hill and Pit Lane and Ilkeston Road recreation grounds. Due to the levels difference across the Phase 2 site, some plots will be located at a higher level than other plots, with the largest difference being in the region of 3.5m. Sections have been submitted to show that retaining walls will be used and details of these and boundary treatments will be conditioned to ensure appropriate levels of amenity are achieved for the proposed residents. The outline site is located at a higher level than the phase 2 site and plots 237-250 will have rear gardens adjoining this site. Proposed finished floor levels based on the indicative plans for the outline site have been submitted which show the finished floor levels (FFL) of the outline site dwellings will be a maximum of 4.14m higher than the FFL of the adjoining Phase 2 dwellings. The height differences across a back-to-back minimum distance of 22m will need to be suitably assessed, and possibly revised, but as the plans are only indicative at this stage, a levels condition is attached to the outline planning permission to ensure the planning authority has control when further details are submitted.
- 6.6.3 Gas prevention measures will be conditioned to ensure the proposed dwellings are safe. The submitted noise assessment recommends the dwellings beside Ilkeston Road have specific glazing and ventilation installed to protect residents from undue noise. In addition, the dwellings beside the railway may be impacted by noise and vibration so conditions will be recommended to secure the appropriate noise mitigation measures and a noise/vibration assessment for the land adjacent to the railway.
- 6.6.4 Although the development will generate additional traffic, this will not create so much additional air and noise pollution as to warrant refusal of the application and the Environmental Health Officer has raised no objection to the application.
- 6.6.5 It is acknowledged that some disturbance during construction is likely (e.g. noise, dust) as for any major development and some issues arose with the Phase 1 site, partly due to the use of piling. Accordingly, despite the lack of such conditions on the original outline, it would be appropriate to impose construction hours and piling conditions to restrict potential adverse impact on residential amenity.
- 6.6.6 The impact on amenity for existing and proposed residents is considered to be acceptable.
- 6.7 **Highway safety considerations**
- 6.7.1 A Transport Assessment (TA) was submitted with the application. This considered the likely impact on the operational performance of the adjacent highway network

and transportation infrastructure and assessed the adequacy of existing transportation facilities in meeting the needs of the proposed development, including public transport, pedestrian, cycle and vehicular access. The report concluded that the development could be accommodated without detriment to the highway network. During the course of the application, a technical report detailing further modelling work of junctions on the A52 was submitted at the request of Highways England. Comments are awaited on this additional modelling.

- 6.7.2 Access to the site will be taken from Ilkeston Road with a ghost island right turn lane. An existing access on Ilkeston Road serving the Phase 1 site will also provide access to the site via the central spine road. Crossing facilities with pedestrian refuges will be provided as part of the new junction.
- 6.7.3 Various amendments have been made to the layout following comments received from the County Council, as highway authority. The TA states the internal layout has been designed in accordance with the 6Cs Design Guide and Manual for Streets. The County Council, as highway authority, has no objection subject to conditions. They note the site access arrangement on Ilkeston Road has been carried forward from the original outline permission and the provision of this and the off-site works will be conditioned. To control on-street parking on Ilkeston Road, County highways request a Traffic Regulation Order application is made before development commences. They have requested a condition requiring replacement trees for the highway trees removed to create the proposed footpath/cycleway on Ilkeston Road. This matter is considered to have been dealt with in the proposed landscaping scheme for the full site. Concern has been raised that a single user could occupy the commercial unit proposed on the outline site and they request a condition is imposed to control this to prevent articulated delivery lorries accessing the unit given the potential constraints of the site road layout. A Construction Method Statement condition is requested and this will cover details such as parking of construction traffic and wheel washing facilities.
- 6.7.4 Improvements to the Coventry Lane/Nottingham Road/Wollaton Vale/Trowell Road/Bilborough Road (Balloon Woods) junction were previously conditioned on the outline scheme (11/00758/OUT). The County Council, as highway authority, have confirmed, based on the latest modelling work, there is minimal impact on the junction so the condition is no longer required.
- 6.7.5 The development will have an impact on the Ilkeston Road/Coventry Lane/Hickings Lane double mini roundabout junction. At the outline stage (11/00758/OUT), a mitigation scheme was proposed by the applicant which incorporates only highway land. Even with this scheme, there would be an increase of traffic through this junction as a result of the development. The County Council therefore advised that, rather than requiring the applicant to implement this scheme, the cost of the proposed scheme should be paid as part of the section 106 agreement and put towards a future, more comprehensive improvement scheme at this junction. Financial contributions from future developments in the vicinity could be combined to fund an improvement scheme. The requirement for this contribution will again be secured as part of the S106 and therefore it is considered the impact of the development on this junction is not so severe as to warrant refusal of permission.

- 6.7.6 The loop/spine road through the site will facilitate access for a bus service to route through the site if this is considered to be viable by the bus companies in the future. Additional residents may also mean that improvements are made to the existing bus services in the immediate area.
- 6.7.7 Several private drives are proposed across the development. Where this is the case, bin collection points will be provided adjacent the highway to enable the bins to be serviced. The Council's Waste and Recycling team are satisfied with the proposed arrangements. One of these private drives (serving plots 229-235) does not meet adoptable standards and County Highways have requested a condition to secure its long term management and maintenance. Such a condition will be used.
- 6.7.8 All dwellings within Phase 2 will have at least one parking space provided on driveways or within small parking courts. Some dwellings will have single or double garages. Sufficient parking provision is considered to have been proposed.
- 6.7.9 A travel plan, covering measures for reducing the number of single occupancy car journeys to and from the site and increasing the use of more sustainable modes of transport, was submitted with the application.
- 6.7.10 The existing right of way which crosses the northern part of the outline site will be retained. A new right of way will be created on the western boundary of the full site as a diversion for the right of way on the phase 1 site that is to be extinguished. A new path will be created through the TPO woodland to link the two main parts of the outline site for pedestrians. Details of this path will be conditioned. A perimeter path is proposed to the north of the Phase 2 site beside the brook which will link up with the Phase 1 path. This will be partly at a lower level than the adjacent road so details of the levels of this path and retaining walls will be conditioned. As with the previous outline scheme, a footpath/cycleway is proposed to extend from the site to link up with the cycleway on Coventry Lane and this will be secured through a condition.
- 6.7.11 In conclusion on highway matters, it is considered that there are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF, subject to conditions relating to matters detailed above.
- 6.8 **Local centre**
- 6.8.1 The proposed local centre within the outline site will comprise one large or several smaller units up a total size of 500 square metres and will be one use or several uses within the A use class (A1, A2, A3, A4 or A5), providing for the retail and food and drink needs of the residents of the development. Policy 13 of the P2LP deals with proposals for main town centre uses in out-of-centre locations, which this proposal would be, and confirms permission will be granted providing they do not result in a unit exceeding 500 square metres gross floorspace; are in an area of deficiency and meets local needs, including that generated by major new housing development, and such a use does not harm the vitality and viability of any nearby centre. The proposed local centre is considered to comply with these requirements as there are no main town centre uses on the site (although there are local facilities on Pasture Road, Melbourne Road and Hickings Lane), the

centre will meet a local need and due to its size and location, will have no significant impact on the vitality and viability of any nearby centre and is therefore deemed an acceptable proposal, subject to conditions as outlined below and subject to a condition restricting the size of the centre to 500 square metres.

6.8.2 The local centre is indicatively shown as being located on the ground floor with flats above it. To protect residential amenity therefore, conditions will be imposed restricting opening and delivery hours and requiring the submission of ventilation and filtration and other fixed plant and equipment (such cooking equipment be required for a takeaway/café/restaurant or air conditioning).

6.8.3 Given the size of the local centre, it is considered no significant anti-social behaviour will result, particularly with the restriction of opening hours.

6.8.4 The proposed local centre is therefore considered to accord with Policy 13 of the Part 2 Local Plan 2019.

6.9 **S106**

6.9.1 The level of financial contributions and other obligations were agreed at outline stage (11/00758/OUT). As this is a greenfield site which is likely to have created it's own housing market, the Council would not wish to compromise the deliverability of the site by revisiting the required contributions. In addition, as some contributions have already been paid, this would make it more complex to calculate revised contributions (but not impossible).

6.9.2 A 25% level of affordable housing (combination of on-site provision (80% rented and 20% shared ownership) and financial contributions) was agreed at outline stage. Policy 15 of the Part 2 Local Plan requires 30% affordable housing on the newly allocated sites in Stapleford. This site was allocated in the Core Strategy and therefore comprises a 'newly allocated site' under the provisions of this policy. However, the Council is not seeking to increase the affordable housing contribution beyond the previously agreed 25% for the reasons laid out above.

6.9.3 A total open space maintenance contribution of £850,212 (£1,889.36 per dwelling) was agreed at outline, to be paid in three tranches, prior to the practical completion of the 100th, 200th and 400th dwelling. The current open space maintenance contribution equates to £632 per dwelling which would result in a total contribution (from 450 dwellings) of £284,580. A contribution of £432,768 is proposed by the applicant, based on using the figure agreed at outline for the phase 1 site (118 dwellings) and the current figure for the phases proposed by the current application. This is considered to be acceptable.

6.9.4 The integrated transport contribution of a maximum of £412,500 remains unchanged from the previous agreement, as does the off-site highway contribution (£343,000) towards improvement works to the junction of the Ilkeston Road/Hickings Lane roundabout (including the acquisition of land to facilitate the improvement) (to be paid prior to the practical completion of 300 dwellings).

6.9.5 A contribution towards primary education provision was agreed at outline (£545,000. The County Council have requested a secondary school contribution (£1,265,375) from this development but no primary school contribution. Following

discussions with the County Council, it has been agreed that the previously agreed primary contribution will remain and that a reduced secondary school contribution (offset against the primary contribution already paid) of £604,598 will be required. This is considered to be acceptable.

- 6.9.6 In conclusion on S106 matters, the proposed obligations are considered to meet the tests set out in the NPPF in terms of being necessary, directly related and fairly and reasonably related in scale and kind to the development. The contributions requested by Network Rail (to facilitate works at Beeston station), the NHS Trust and by the County Council for libraries are not considered to meet these tests.

6.10 **Other issues**

- 6.10.1 The applicant held a pre-application consultation event in January 2020, following a leaflet drop to 300 households. Albeit attendance at this event was low, the applicant is considered to have complied with the requirements for community involvement prior to the application submission.
- 6.10.2 The publicity of the application complies with the requirements of national legislation (site notices were posted, a press advert was published and neighbour notification letters were sent to adjacent properties by the applicant given current neighbour notification arrangements due to the pandemic) and the Council's own policy on this matter.
- 6.10.3 There was a delay of months in the validation of the application and securing all the required information. The submission does comply with validation requirements and site notices were posted on two occasions, once with the original submission and a second time following the receipt of additional/corrected information.
- 6.10.4 The site is not Green Belt land as it was taken out of the Green Belt when the ACS was adopted in 2014.
- 6.10.5 The development of the outline site is considered to have no cause no harm to the grade II listed bridge to the north given the separation distance and intervening railway.
- 6.10.6 A Health Impact Assessment was submitted with the application and no significant adverse impact was identified so compliance is achieved with the requirements of Policy 24 of the P2LP.
- 6.10.7 Broxtowe has a housing requirement figure (6150) to meet and this development, together with other allocated sites in Bramcote and the borough as a whole, ensure this housing figure is achieved.
- 6.10.8 All other matters raised in representations have been considered and it is concluded that these matters do not lead to a change to the recommendation.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of 332 dwellings including a number of affordable dwellings, the short term jobs created during the construction of the

development and the more permanent jobs that would be created within the local centre and the financial contributions secured towards affordable housing, education, open space, integrated transport and off-site highway works. There would be some impact on ecology but the TPO woodland on site will be largely maintained and improved through management and landscaping buffers will help to maintain the green corridors across the northern part of the site.

7.2 On balance, the positives of the scheme are considered to outweigh the negatives.

8 Conclusion

8.1 The proposed development accords with Policies A, 1, 2, 3, 6, 8, 10, 11, 14, 16, 17, 18 and 19 of the Aligned Core Strategy (2014); Policies 1,13, 15, 17, 19, 20, 21, 22, 24, 26, 30, 31 and 32 of the Part 2 Local Plan (2019) and the NPPF so it is recommended conditional planning permission be granted.

Recommendation

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

- (i) the comments of Highways England being addressed;
- (ii) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision of education measures, off-site affordable housing, off-site highway works, maintenance of open space and integrated transport measures; and to ensure the provision and equipping of the play area/open space on site, and
- (iii) the following conditions:

	<u>Conditions in respect of outline element</u>
1.	Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. <i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

	<i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
3.	No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan. <i>Reason: To secure an orderly form of development.</i>
4.	No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority: (a) the layout, scale, and external appearance of all buildings; (b) the means of access and parking provision within the site; (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings; (d) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout). These details shall be related to a known datum point; (e) landscaping. The development shall be carried out strictly in accordance with the approved details. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
5.	No development, including site clearance, shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details: (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;

	(b) numbers, types, sizes and positions of proposed trees and shrubs; (c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland; (d) planting, seeding/turfing of other soft landscape areas; (e) lighting details and (f) a timetable for implementation of the scheme. The approved schemes shall be carried out strictly in accordance with the approved details. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
6.	No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for: (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of highway safety, to minimise</i>

	<i>disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
7.	No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of safeguarding bats and breeding birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i>
8.	No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting, visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
9.	No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Authority. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, to protect residents from excessive transport noise</i>

	<i>and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
10.	No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority. No building to be completed pursuant to this permission shall be occupied or brought into use until: i) all appropriate measures for that building have been completed in accordance with details approved in writing by the local planning authority; and ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full. <i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
11.	No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following: (a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters; (b) 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 change return periods; (c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds; (d) a timetable for implementation; and (e) details of the responsibility for the future maintenance and management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under (d) and thereafter maintained in accordance with the agreed details for the lifetime of the development. <i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in</i>

	<i>accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i>
12.	No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the agreed details. <i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i>
13.	No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details. <i>Reason: In the interests of residential amenity, railway safety and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
14.	Nothing shall be stored or placed in any area fenced in accordance with condition 5 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. <i>Reason: To ensure the retained trees, including the TPO woodland, are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i>
15.	The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day. <i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
16.	No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.

	<i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
17.	No fixed plant, machinery or equipment shall be installed within the site of the local centre until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment, has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development. The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest residential dwelling. <i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
18.	No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. <i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
19.	The hereby permitted local centre shall have a total floorspace not exceeding 500 square metres. <i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i>

20.	No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority. <i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
21.	<u>Conditions in respect of full element</u> The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <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>
22.	No development, including site clearance, shall commence until measures to protect the retained hedgerow beside Ilkeston Road and trees on site during construction have been submitted to and agreed in writing by the Local Planning Authority. No development shall commence until the agreed protection measures are in place. <i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of biodiversity and in accordance with the aims of the NPPF, Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
23.	No development, including site clearance, shall commence until precise details of breeding bird mitigation measures, based on the submitted Bird compensation and enhancement measures (11314/ZJ/20), and including numbers and positions of bird boxes, have been submitted to and agreed in writing by the Local Planning Authority. The mitigation shall be completed in accordance with the agreed details. <i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of biodiversity and in accordance with the aims of the NPPF, Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
24.	No development, including site clearance, shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall

	be adhered to throughout the construction period. The CMS shall provide for: (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction. <i>Reason: No such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
25.	No development above slab level shall commence until an application for a Traffic Regulation Order to control on-street parking along Ilkeston Road has been made. <i>Reason: In the interests of highway safety to ensure access and egress to and from the site is not hindered by parked vehicles and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
26.	No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority on 18.8.20: • Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20) • Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C-0140 Rev P01) • Microdrainage calculations (dated 6.8.20) • SUDS maintenance data sheet (reference 20156/SUDS/POND). The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development.

	<i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i>
27.	No development above slab level shall commence until samples of materials to be used in facing the external surfaces of the dwellings and garages hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. <i>Reason: No such details were submitted and in the interests of the appearance of the development, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
28.	No lighting related development shall commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be installed and thereafter maintained in accordance with the agreed details. <i>Reason: No such details were submitted and in the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i>
29.	No retaining wall on any plot or beside the brook shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details. No development on Phase 3 shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans. <i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
30.	No building to be completed pursuant to this permission shall be occupied or brought into use until: i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report 'Remediation Method Statement' (ref D29176 V1.1, dated June 2017); and ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.

	<i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
31.	The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZ-XX-RP-C-001-P01), dated February 2020 and thereafter maintained in accordance with the agreed details. <i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
32.	Trees referenced T1, T2 and T3 in the Phase 2: Daytime Bat Survey of Trees (11314/SD/20) shall not be removed unless and until a further bat survey, including any proposed mitigation measures, has been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details. <i>Reason: In the interests of safeguarding habitat for bats, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i>
33.	Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings and thereafter retained and maintained for the lifetime of the development. <i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i>
34.	Prior to the first occupation of any dwelling constructed on the site: i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans; ii) the shared cycleway/footpath to Coventry Lane shall be completed as detailed in Appendix H of the Transport Assessment, dated 27 March 2020, or such other details as may first be agreed in writing by the Local Planning Authority. <i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i>

35.	No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development. <i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
36.	Dwellings 229 – 235 shall not be first occupied until details of the proposed arrangements for future management and maintenance of the private road serving these plots, including associated drainage, have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established. <i>Reason: In the interests of highway safety to ensure that the road infrastructure is maintained to an appropriate standard and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
37.	<u>Conditions in respect of whole scheme</u> The development hereby permitted shall be carried out in accordance with drawings numbered: 17031-PL01K Planning Layout; 17031-PL02 Site Location overall; 17031-PL02F Site Location Full; 17031-PL02O Site Location Outline; 17031-PL09A Proposed Street Scenes; 17031-PL04E Boundary treatment plan; 17031-PL05E Materials plan; 17031-PL06A Storey Height Plan; 17031-PL07D Parking plan; 17031-PL08E Character area plan; 17031-PL09D Refuse strategy plan; 17031-PL15C Finish floor level site layout; 17031-PL16 False Window Detail; 17031-PL17 Plot 161-163 Street Scene; 01K Landscape Concept Plan; 08C Indicative Landscape Boundary Sections; 17031-PL110C Overall site layout; 17031-PL111A Dimension layout; FFSN-BSP-ZZ-XX-DR-C-0215-08CP01 Phase 2 on site plot sections; FFSN-BSP-ZZ-XX-DR-C-0140-P01 Phase 2 on site drainage layout; 17031-300 Section; FFSN-BSP-ZZ-XX-DR-C-0105-P01 Phase 2 on site highway visibility splays; FFSN-BSP-ZZ-XX-DR-C-0106-P02 Phase 2 on site highway Tracking. Woodland House Types:

17031-ASC-W-01A Ascot Elevations; 17031-ASC-W-02 Ascot floor plans; 17031-ASC-W-10 Ascot Elevations – plot 175; 17031-ASC-W-11 Ascot floor plans – plot 175; 17031-BEAU-W-01 Beaulieu Plans; 17031-BEAU-W-02A Beaulieu Elevations; 17031-BEAU-W-10A Beaulieu Elevations – plot 173; 17031-BEAU-W-11A Beaulieu floor plans – plot 173; 17031-CHAT-W-01A Chatsworth Plans; 17031-CHAT-W-02 Chatsworth Elevations; 17031-CHAT-W-10 Chatsworth Elevations – plot 134; 17031-CHAT-W-11 Chatsworth Plans – plot 134; 17031-CHELT-B-01 Cheltenham Elevations; 17031-CHELT-B-02 Cheltenham Plans; 17031-CHELT-W-03 Cheltenham Elevations - render; 17031-CHELT-W-04 Cheltenham Plans - render; 17031-GROV-W-01A Grosvenor Elevations; 17031-GROV-W-02 Grosvenor Plans; 17031-HAMP-W-01A Hampton Elevations; 17031-HAMP-W-02 Hampton Plans; 17031-LING-W-01 Lingfield Elevations; 17031-LING-W-02 Lingfield Plans; 17031-SAND-B-01 Sandown Plans; 17031-SAND-W-02 Sandown Elevations; 17031-WIND-W-01 Windsor Elevations; 17031-WIND-W-02A Windsor Plans; 17031-YORK-W-01 York Elevations; 17031-YORK-W-02 York Plans; 17031-GAR/10A Double garage - woodland elevations; 17031-GAR/08A Double garage - woodland plans; 17031-GAR/04A Single garage - woodland elevations; and 17031-GAR/03A Single garage - woodland plans.

Contemporary House Types:

17031-CHEL-C-01A Cheltenham Elevations; 17031-CHEL-C-02 Cheltenham Plans; 17031-CHEL-C-01rA Cheltenham Elevations - render; 17031-CHEL-W-04 Cheltenham plans - render; 17031-CHEST-C-01A Chester Elevations - render; 17031-CHEST-C-02 Chester Plans; 17031-CHEST-W-10 Chester Plans – plots 184-187; 17031-CHEST-W-11 Chester Elevations - plots 184-187; 17031-CHEST-W-12 Chester Plans – plots 188-191; 17031-CHEST-W-13 Chester Elevations – plots 188-191; 17031-SAND-C-01 Sandown Elevations; 17031-SAND-C-02 Sandown Plans; 17031-YO_CH-C-01B York/Cheltenham Plans; 17031-YO_CH-C-02B York/Cheltenham Elevations; 17031-YORK-C-01B York Plans; 17031-YORK-C-02C York Elevations; and 17031-YORK-C-03C York Elevations – Cladding.

Boulevard House Types:

17031-ASC-B-01 Ascot Elevations; 17031-ASC-B-02A Ascot plans; 17031-BEAU-B-01 Beaulieu plans; 17031-BEAU-B-02A Beaulieu Elevations; 17031-BEAU-B-03A Beaulieu plans - plot 224; 17031-BEAU-B-04A Beaulieu Elevations - plot 224; 17031-CHAT-B-01 Chatsworth Plans; 17031-CHAT-B-02A Chatsworth Elevations; 17031-CHELT-B-01A Cheltenham Elevations (render); 17031-CHELT-B-02 Cheltenham Plans (render); 17031-CHELT-B-03A Cheltenham Elevations; 17031-CHELT-B-04 Cheltenham Plans; 17031-DALE-B-01A Dale Elevations; 17031-DALE-B-02 Dale Plans; 17031-HAMP-B-01 Hampton Elevations; 17031-HAMP-B-02A Hampton Plans; 17031-HAMP-B-010A Hampton Elevations – plot 127; 17031-HAMP-B-11A Hampton Plans -- plot 127; 17031-HAMP-

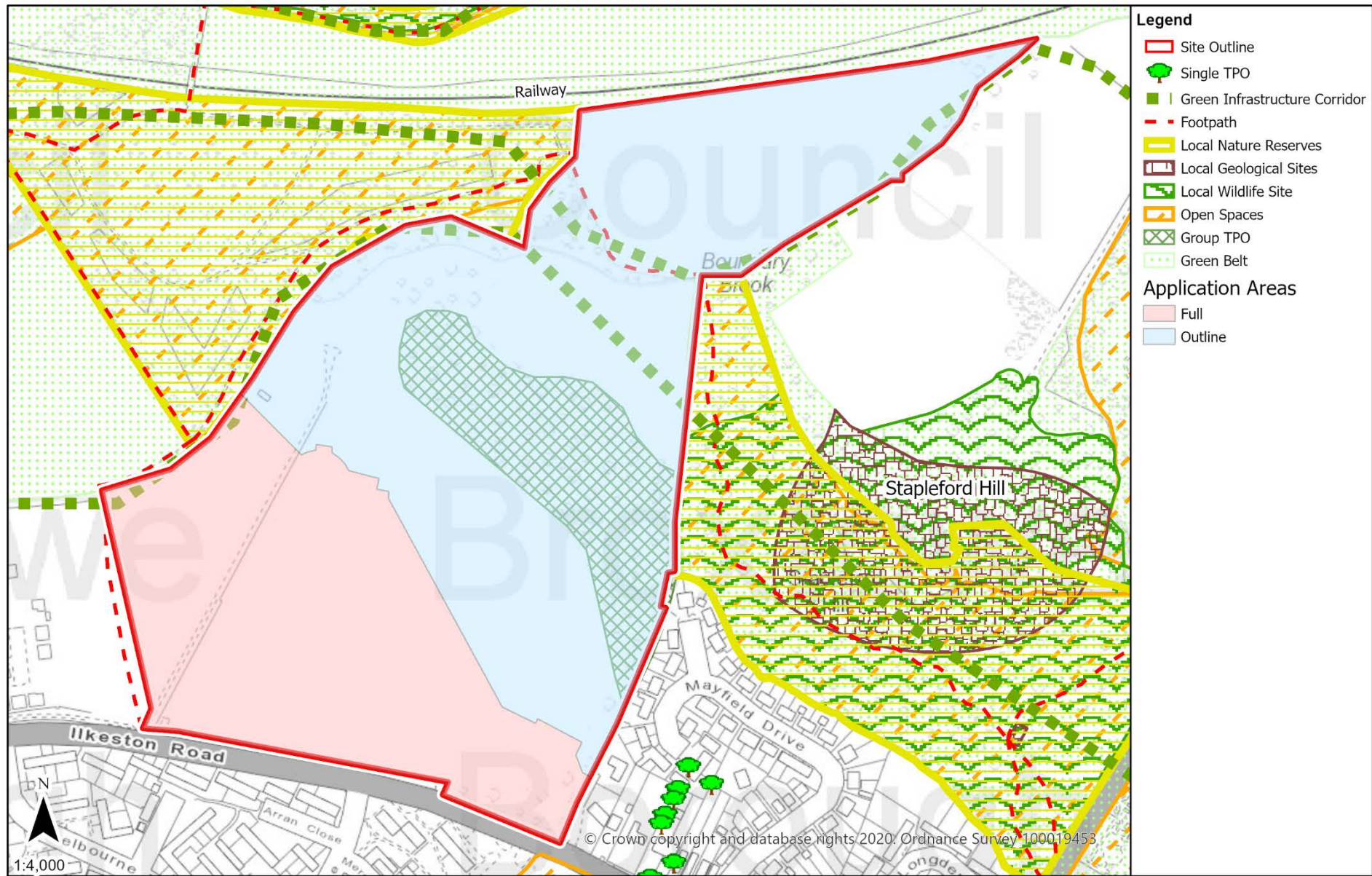
	B-03A Hampton Elevations - render; 17031-HAMP-B-04 Hampton Plans - render; 17031-HER-B-01A Hereford Elevations; 17031-HER-B-02 Hereford Plans; 17031-LING-B-01A Lingfield Elevations; 17031-LING-B-02A Lingfield Plans; 17031-LING-B-03A Lingfield Elevations - render; 17031-LING-B-04 Lingfield Plans - render; 17031-SAN-B-01 Sandown Plans; 17031-SAN-B-02A Sandown Elevations; 17031-STRA-B-01A Stratford Elevations; 17031-STRA-B-02 Stratford Plans; 17031-WINCH-B-01A Winchester Elevations; 17031-WINCH-B-02 Winchester Plans; 17031-WIN-B-01A Windsor Plans; 17031-WIN-B-02A Windsor Elevations; 17031-YORK-B-01A York Elevations; 17031-YORK-B-02 York Plans; 17031-GAR/02A Single garage - boulevard elevations; and 17031-GAR/01A Single garage - boulevard plans. <i>Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.</i>
38.	No development on any plot within 30m of the TPO woodland, including site clearance, shall commence until a TPO Woodland management scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed path through the woodland. The woodland shall be managed in accordance with the scheme for the lifetime of the development. <i>Reason: To ensure the woodland is managed and enhanced, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i>
39.	No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following: a) Materials, plant and machinery storage locations b) Measures for dealing with Himalayan balsam c) Timetable and proposed clearance method of excavated soils/materials from area formerly occupied by farmhouse and barn d) Proposed working practices to minimise harm to wildlife and trees e) Construction lighting proposals The development shall be constructed in accordance with the agreed CEMP. <i>Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i>
40.	No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local

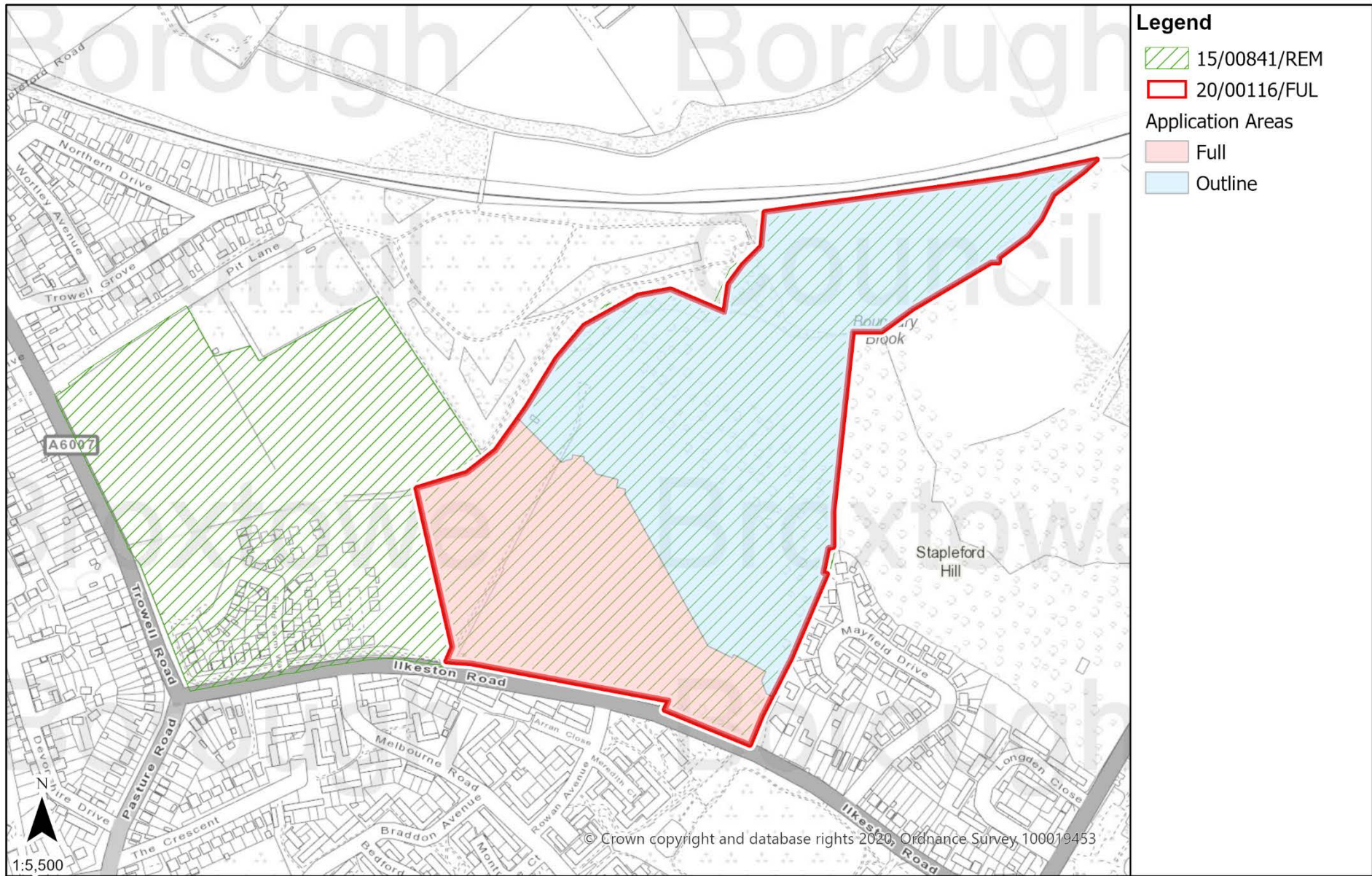
	Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys. <i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i>
41.	No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details. <i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i>
42.	The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & Drainage Strategy dated 31 January 2020 and the finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels. <i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy of the Broxtowe Local Plan (2019).</i>
43.	Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details. <i>Reason: To protect groundwater from contamination and nearby buildings and residents from noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>

44.	No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. <i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
45.	The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective 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. <i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
46.	If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified. <i>Reason: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on hdc.south@nottsccl.gov.uk
4.	The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.
5.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/the owner or occupier of the land.
6.	The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can

	be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.
7.	Any highway trees damaged/removed as a consequence of the off-site works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.
8.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9.	In relation to Condition 5, the local planning authority expects landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10.	The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11.	Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.
12.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: assetprotectionline@networkrail.co.uk





Photographs



Site frontage, Ilkeston Road



Towards TPO woodland and Stapleford Hill



Field to north TPO woodland



Path to north west TPO woodland and trees beside brook (RHS)



Looking north from beside Boundary Brook



Looking towards Ilkeston Road from site



Land to north beside railway and Stapleford Hill



Phase 1 site from Pit Lane recreation ground with Ilkeston Road in background



From Phase 1 site towards Stapleford Hill



Phase 1



Phase 1



Phase 1 – path beside Ilkeston Rd



Boundary Brook adjacent Phase 1

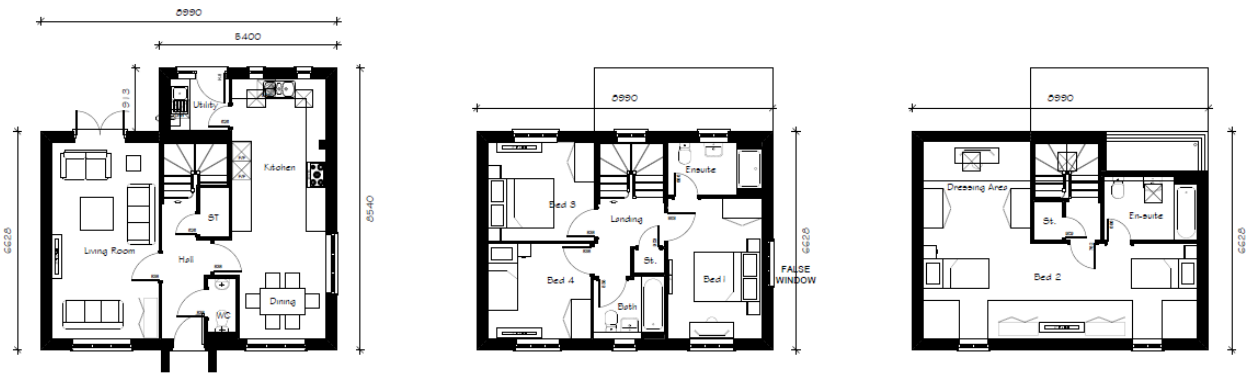


Attenuation pond – phase 1 site

Plans (not to scale)



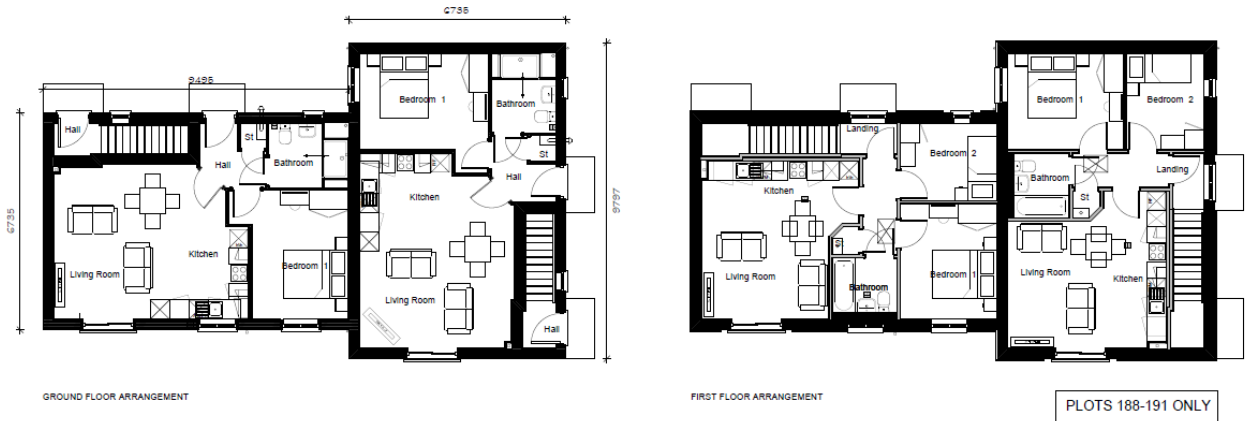
Example house type – Ascot (plot 175)

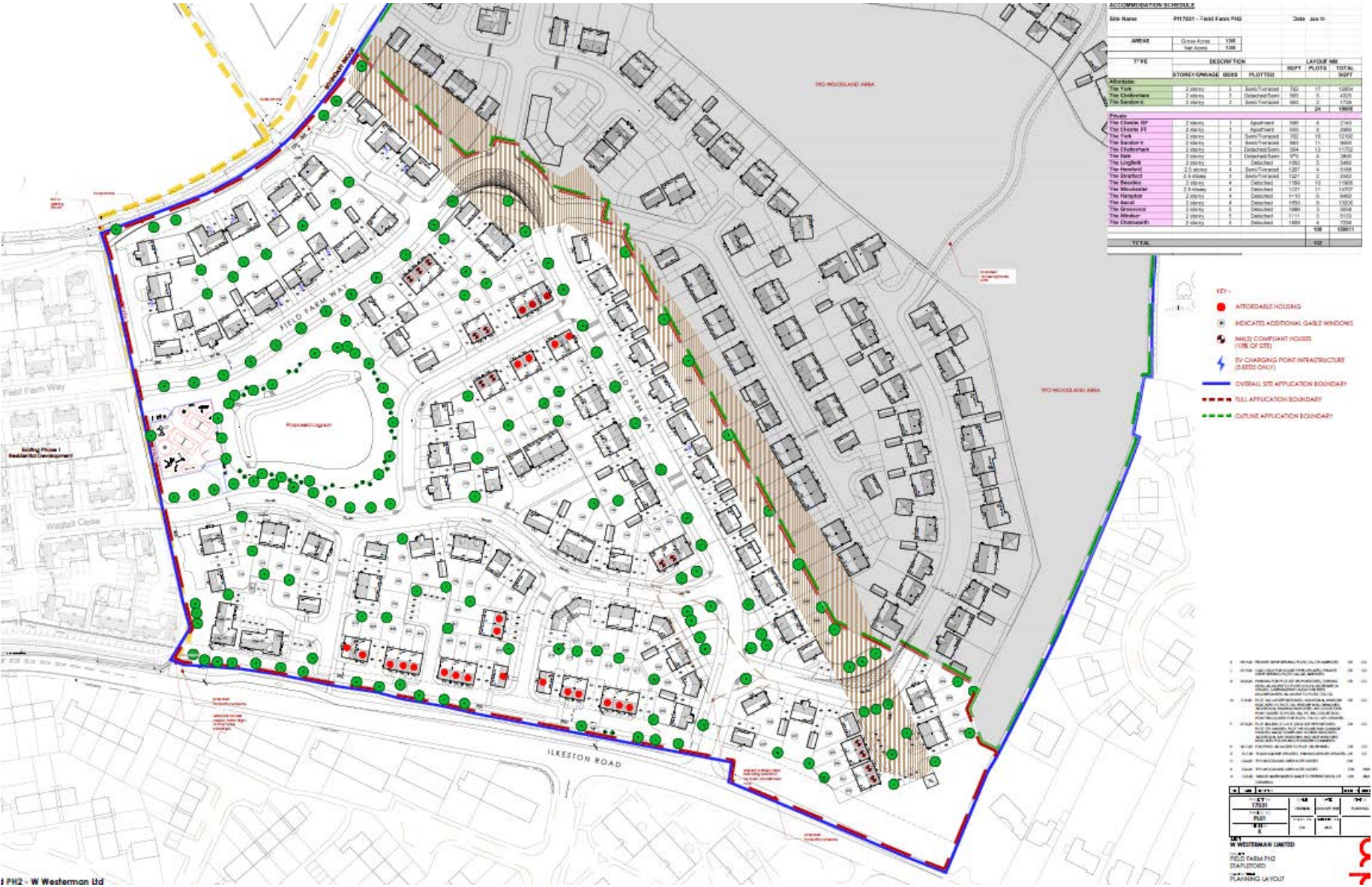


Example floor plans – Ascot (plot 175)



Chester (1 bed flats) elevations (above) and floor plans (below)





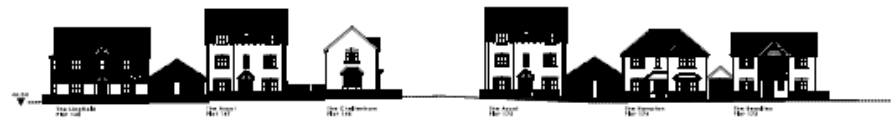
Phase 2 (full application) layout



Phase 2 site sections



TYPICAL BOULEVARD STREETSCENE 1



TYPICAL WOODLAND STREETSCENE 2



TYPICAL CONTEMPORARY STREETSCENE 3 - TO ILKESTON ROAD

Street scenes



Overall site layout