

BROXTOWE BOROUGH COUNCIL**NOTICE OF DECISION****TOWN AND COUNTRY PLANNING ACT 1990**

Application submitted by :
 Mr Paul Fieldhouse
 William Saunders
 Hollybush Cottage
 New Road
 Bolehill
 Notts
 NG24 2TN

BROXTOWE BOROUGH COUNCIL having considered an application by or on behalf of

Applicant : **Mr Peter Goodrick, Broxtowe Borough Council**
 File Reference : **21/00038/REG3**
 Proposal : **Construct 3 houses and 2 apartments with associated parking and dropped kerb including provision of new driveway to existing cottage and demolition of single storey extension**
 Site Address : **Fishpond Cottage 51 Ilkeston Road Bramcote Nottinghamshire NG9 3JP**

as shown on the plans submitted with the application, which application and plans and any relevant correspondence are hereinafter referred to as "the application", HEREBY in pursuance of their powers under the above mentioned Act

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the Conditions imposed, and the subsequent approval of all matters referred to in the conditions, for the reasons set out below.

Conditions :

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the site location plan and drawing numbers 5310-DR-01 rev P3, RSE_3314_TCP rev V1, 10903-S8-P3, 01401-S8-P2 and 01408-S8-P2 received by the Local Planning Authority on 19.01.21, drawing number 10905-S8-P1 received by the Local Planning Authority on 28.01.21, drawing number 10410-S8-P1 received by the Local Planning Authority on 11.02.21, drawing numbers 01601-S8-P3, 01608-S8-P4, and 10904-S8_P3 received by the Local Planning Authority on 19.03.21, and drawing numbers 10409-S8-P4, 10609-S8-P5, 01630-S8-P3 received by the Local Planning Authority on 13.05.21.
3. No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.
4. No part of the development hereby approved shall be commenced until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

Continued...

5. No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, tiles and cladding to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
6. No above ground works shall be carried out until details of a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.
7. No above ground works shall be carried out until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed boundary treatments
 - (d) proposed hard surfacing treatment
 - (e) proposed lighting details
 - (f) planting, seeding/turfing of other soft landscape areas

The approved scheme shall be carried out strictly in accordance with the agreed details.
8. No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossing/s are available for use on Ilkeston Road and Oakland Court.
9. No part of the development hereby permitted shall be brought into use until the parking areas on Oakland Court are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 12112-WMS-ZZ-DR-A 109014 S8 P3. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.
10. The new driveway serving Fishpond Cottage shall not be brought into use until the visibility splays shown on drawing no. 12112-WMS-ZZ-DR-A 109014 S8 P3 have been provided. The driveway shall be surfaced in hard bound material (not loose gravel) for a minimum of 5.5m behind the highway boundary and shall be maintained in such hard bound material for the lifetime of the development. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or hedges.
11. No part of the development hereby permitted shall be brought into use until the access driveway on Ilkeston Road and parking areas on Oakland Court are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
12. No part of the development hereby permitted shall be brought into use until the existing site access on Ilkeston Road that has been made redundant is permanently closed and the access crossing is reinstated as footway and full height kerbs.
13. No new dwelling hereby approved shall be occupied until:
 - i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and
 - ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
14. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, 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.

Reasons :

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
4. In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).
5. Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
6. In the interests of safeguarding ecological features on and adjacent to the site, in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).
7. Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
8. In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
10. In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
11. In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
12. In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
13. In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
14. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

Continued...

Note 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. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
4. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
5. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
6. There is a confirmed bat roost within the existing building and as such the developer should first secure a European Protected Species Mitigation Licence (EPSML) from Natural England, which is a mandatory requirement, prior to any works being carried out on the existing building. Works to remove trees should also take place outside of the bird breeding season (March to September). Further information is available: <https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>
7. Nottinghamshire Wildlife Trust advise that the survey results contained in the Ecological Impact Assessment report, submitted as part of this application, are considered accurate for approximately two years, notwithstanding any considerable changes to the site conditions, and as such the developer would need to undertake updated surveys after the two-year period has elapsed.
8. The development makes it necessary to construct vehicular crossings on Ilkeston Road and Oakland Court over the verge and footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Authorised Officer

Date: 4 June 2021

Attention is drawn to the notes enclosed