

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Land to the South of Nottingham Business Park, Woodhouse Way

1 SUMMARY

Application No: 13/01703/POUT
Application by: Antony Aspbury Associates Ltd on behalf of Wilson Bowden Developments Limited
Proposal: Proposed residential development of up to 300 dwellings, together with open spaces, vehicular accesses and service infrastructure.

This application is brought to Planning Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

To meet the Council's Performance Targets this application should be determined by 9 October 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) The provision of on-site affordable housing
 - (ii) A financial contribution towards education provision
 - (iii) A financial contribution towards improvements to public transport and sustainable transport measures
 - (iv) A financial contribution for off-site provision or improvement of open space or public realm
 - (v) The provision of on-site open space and the on-going management and maintenance of these areas
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission be delegated to the Director of Planning and Transport.

That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

Site

- 3.1 The site comprises 13.5ha of open grassland to the south of Lawrence Drive and the Nottingham Business Park, on the west side of Woodhouse Way (A6002). The land forms part of the wider area consented as a business park but remains undeveloped. The site is largely featureless, characterised by its openness with the exception of a line of trees leading to a copse, which is located outside the application site but within the applicant's ownership. Vehicular access to the site is achieved via Lawrence Drive, with the existing roundabout that serves the business park, providing an access 'stub' to the land as part of the consented business park scheme. The site is relatively flat with a gentle downward slope from west to east, with the lowest point of the site being in the south east corner adjacent to Woodhouse Way. The level difference between the site and Woodhouse Way is more pronounced, with the site being on a higher level than the road to the east. There are sixteen mineshafts either within the application site or on nearby surrounding land. The application site and land to the north of Lawrence Drive forms an employment site allocation within the Local Plan comprising 24.61ha of land for B1 development.
- 3.2 Surrounding the site is the Nottingham Business Park to the north which comprises 19,956m² of Class B1(a) Office development, a hotel and additional allocated but undeveloped land, all of which are accessed via Lawrence Drive. To the south of the site is Stonepit Plantation, which is a Site of Importance for Nature Conservation (SINC) and beyond this open grassland and Strelley Village. On the east side of Woodhouse Way is a large residential estate and Strelley recreation ground, which sits to the north of the junction of the A6002 and Strelley Road. There is a public footpath which runs through the existing Business Park, across Lawrence Drive and connects to Woodhouse Way, running to the west of an existing swale which is situated to the south of the Woodhouse Way/Lawrence Drive roundabout. To the immediate west is open countryside where the land rises in height away from the site and beyond this is the M1 motorway. Access to the motorway is less than 2km from the site via Junction 26. The land on the west side of Woodhouse Way but excluding the business park and vast majority of the application site is within the Nottinghamshire Green Belt. The only part of the application site within the Green Belt is the south east corner, where the balancing pond is proposed. The proposed High Speed 2 rail route (HS2) runs to the west of the application site and converges onto the existing business park to the north.

Relevant Planning History

- 3.3 In 2000 planning permission was granted for 79,000m² (application reference: 97/02441/POUT) of employment floor space (B1 offices only) including on land that forms the application site. To date 19,956m² of office development has been built on the northern part of the site.
- 3.4 In April 2013 the applicant sought a screening opinion as to whether the proposal would require an Environmental Impact Assessment (EIA) (application reference: 13/00867/EASCR). It was determined having regard for Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that the proposal does not form EIA development.
- 3.5 Although not directly related to this site, Broxtowe Borough Council has recently considered an application on land to the north of the Business Park for residential

development (up to 620 dwellings including a supported living/retirement element), a care facility, a neighbourhood centre including uses A1-A5, a day nursery and/or healthcare centre and a primary school. This application was refused planning permission in August 2013 for various reasons including being inappropriate development within the Green Belt, that the site was not allocated for development, that the site includes land identified as the preferred route for Phase two of the High Speed railway network expansion and insufficient information to demonstrate that the scheme is acceptable in highway and ecological terms.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks outline planning permission for up to 300 dwellings together with open spaces, vehicular accesses and service infrastructure. Access forms part of the consideration of the application, proposed mainly via the existing Lawrence Drive access point and through the creation of a new vehicular route from Woodhouse Way. A third access point is also proposed off Lawrence Drive, designed to take a smaller proportion of the development traffic. All other matters are reserved for further consideration.
- 4.2 The application is supported by an indicative masterplan, informed by a Design and Access Statement and Design Code document, which seek to demonstrate how the development could be accommodated on the site and sets principles for the detailed design stage. It is envisaged that the development will bring forward a mix of 2-5 bedroom properties, including 20% affordable housing, that will be predominately two and two and a half storeys, with some limited three storey development. The masterplan includes several character areas informed by the highway hierarchy and architectural approach set out within the Design Code document. The proposals include open space within the development in the form of a Neighbourhood Equipped Play Area (NEAP) and other more informal open space landscape areas. A surface water attenuation pond is proposed at the south east extremity of the site. Outside of the application site, the land to south and west will be publicly accessible by pedestrians but landscaped and managed in a manner to reflect its open countryside character.
- 4.3 The application is accompanied with a suite of documents which include a planning statement; a transport assessment; an employment and land use study; a flood risk assessment; a noise assessment; a landscape and visual study; an ecological appraisal; an arboricultural assessment; a mineshaft investigation; a sustainability and energy statement and a statement of community involvement. As part of the development package the developer is to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted:

2-10 (evens only) Erith Close
16-48 (evens only) Edge Way
1-11 (odds only), 15-17 Lancaster Way
206-226 (evens only) Cranwell Road

21-49 (odds only) York Drive
1-8 Orchard Place
2, 2a and Unit F Horizons Place, Mellors Way
Units G1-G7 Ash Tree Court, Mellors Way
Units H1-H7 Ash Tree Court, Mellors Way
6&8 Lawrence Drive
The Belfry Hotel

- 5.2 Two letters of objection have been received to the application. One letter questions the requirement for additional housing and additionally objects on the following grounds; the site is inappropriate for development given its proximity to the Green Belt and Strelley Village, the site was given permission for business use and should remain so, highly unlikely proposal will improve local education facilities, questions whether the cumulative impact of the application in Broxtowe Borough Council's administrative boundary has been considered or impact of HS2, considers that highway network will not be able to cope with additional traffic and finally if approved would like to see specific highway improvements to surrounding area including direct access onto Woodhouse Way from residential estate to the east. The other letter of objection states that the proposal to build on the Green Belt would be very invasive and damaging to the natural environment.
- 5.3 One letter of support from Barratt Homes, as an occupier of one of the units on the Business Park has been received. The letter conveys that the scheme will make a significant contribution to the City's housing delivery in accordance with the requirements of the NPPF, and details that since the granting of planning permission for B1 development in 2000 the rate of uptake has been much slower than anticipated. The letter also advises that there is plentiful supply of B1 employment land on the northern part of Nottingham Business Park and across the City generally and that City Council will shortly be publishing its Preferred Options for the next stage of the Land and Planning Policies document, which may well include this site for housing.

Additional consultation letters sent to:

- 5.4 **Highways & Drainage:** No objections to the granting of outline planning permission subject to the improvement of bus services to be secured through the Section 106 Agreement and conditions relating to a construction management statement, the implementation of the new junctions, detailed highway design and the approval of the residential travel packs. The comments advise that the 2000 planning permission for office use included a number of off-site highway improvements which have all been implemented despite the development not being carried out in full. Robust trip generation comparisons have been made between what has been consented and what is now proposed and there will be a net reduction in traffic flows arising from the development compared to that projected from the 2000 B1 office planning permission. The comments confirm that based on the feasibility designs presented the three access points are acceptable. The Drainage section are satisfied with the submitted FRA and consider it sufficient to support outline approval, however there are outstanding drainage management issues which will need resolving prior to reserved matters approval e.g. maintenance of SuDS features and the associated commuted sums.
- 5.5 **Environment Agency:** Objects on the grounds that the Flood Risk Assessment is inadequate. The comments specify the deficiencies in the FRA which specifically

relate to technical assumptions used in calculating the greenfield run-off rate. This matter is addressed in paragraph 7.19

- 5.6 **Natural England:** No objections to the development and consider that the proposed development is unlikely to affect bats and great crested newts. It is identified that the development may present opportunities for Green Infrastructure, biodiversity and landscaping enhancements. They also confirm that the site is in close proximity to the Robinettes Site of Special Scientific Interest (SSSI) but that they are satisfied this does not represent a constraint to development.
- 5.7 **Nottinghamshire Wildlife Trust:** Welcomes inclusion of a substantial area zoned as parkland and this will act as a development buffer to both Strelley Hall Park and Stonepit Plantation. Comments that a large residential development is likely to result in pressure on Stonepit Plantation and if access is promoted suggests that Section 106 monies are directed to carrying out essential infrastructure works to minimise the impact. The Trust make detailed comments in relation to the great crested newts surveys and the specific design of the balancing pond to ensure biodiversity gain. Finally they ask that the cumulative impacts of other nearby large developments are considered.
- 5.8 **Biodiversity and Green Space Officer:** No objections to the application and considers that information submitted through the surveys to be sufficient. Recommends conditions in relation to on-going monitoring of habitats, an ecological method statement, recommendations to be implemented in accordance with the ecology report, landscaping, wildlife habitat boxes/features, protection of existing woodland, trees and hedges, access arrangements to Stonepit plantation and details of lighting specification.
- 5.9 **Noise and Pollution Control:** No objections but recommends conditions in relation to noise, contaminated land and air quality.
- 5.10 **Tree Officer:** No objections and is encouraged by the layout and the proposals more widely. Careful consideration is required with regard to the position of driveways in relation to trees as this may subject them to damage and affect their longevity. Strongly endorses the precautionary approach from Nottingham Wildlife Trust about the impact on Stonepit Plantation through increased usage.
- 5.11 **Severn Trent Water:** No objection subject to a condition regarding drainage plans.
- 5.12 **Coal Authority:** The Coal Authority require clarification of investigations relating to a specific mineshaft and recommend the layout incorporates a 20m boundary around the mineshafts to provide 'No Build' zone.
- 5.13 **Broxtowe Borough Council:** No objection to the proposal though identifies that Nottinghamshire County Council as their highway authority will provide comments regarding highway matters under a separate cover.
- 5.14 **NCC Policy:** Comments that although the proposal is a departure from existing local plan policy, they accept the arguments relating to a lack of demand for B1 development on this site. The Aligned Core Strategy (ACS) is at the pre-examination meeting stage and so full weight would not be applied at present. However based on the figures within the ACS the Council possess a supply of housing amounting to 5.63 years, which is a total of 4,954 dwellings. This includes 275 dwellings being attributed to the application site. The provision of family

housing, particularly 4 and 5 bedroom dwellings and the improvement to the existing bus service is welcomed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

H3 – Appropriate Housing Types. Complies

H5 – Affordable Housing. Complies

E1 – Prestige Employment Sites. Does not comply

R2 – Open Space in New Development. Complies

R3 – Access to Open Space. Complies

BE1 – Design Context in the Public Realm. Complies

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE5 – Landscape Design. Complies

NE2 – Nature Conservation. Complies

NE3 – Conservation of Species. Complies

NE5 – Trees. Complies

NE8 – Green Belt. Complies

NE9 - Pollution Control. Complies

NE10 – Water Quality and Flood Protection. Complies

NE12 – Derelict or Contaminated Land. Complies

T2 – Planning Obligations and Conditions. Complies

T3 - Car, Cycle and Servicing Parking. Complies

Aligned Core Strategy Publication Version (2012)

Policy 2 – The Spatial Strategy.

Policy 4 – Employment Provision and Economic Development

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Access and Traffic Impact
- (iii) Ecological Impact of Development
- (iv) Layout and Design
- (v) Section 106 Matters

(i) Principle of Development (Policies ST1 and E1)

- 7.1 The site is allocated within the local plan for employment development in the form of B1 offices under Policy E1. To permit housing on this land therefore requires an overriding justification to depart from local plan policy that demonstrates why the site may no longer be best suited to office development and why a residential scheme is an appropriate alternative land use.
- 7.2 The application is supported by a report entitled 'Nottingham Business Park Review' produced for the applicant by Regeneris Consulting dated June 2013,

which specifically appraises the past and likely future performance of the Business Park, reviewing national and local trends as part of the process. As of June 2013, of the 79,000m² of B1 floor space consented in 2000, 19,956m² was occupied at the Business Park and this is the equivalent of a take up rate of 1810m² per annum since 2003. The level of take up has varied throughout this ten year period with a peak of 4000m² in 2006, to a low of 600m² in 2009. Average take up in the period up to and including 2007 was 2,700m² per annum and from 2008 onwards has dropped to 1,040m² per annum. The take up of floor space at Nottingham Business Park has been significantly lower than anticipated at the time that planning permission was granted and based on the take up rates of the last 7 years, it would take 40 years to complete the build out programme for the site. This is compared to a 10-15 year projection for completing the build programme when planning permission was granted.

- 7.3 The report examines the reasons behind this relatively slow build out rate and points to both national and local factors. Nationally the business park market was at its strongest in the late 1990s to early 2000s but vacancy rates have steadily risen since this time to an average of nearly 18% across the UK in 2010. This trend in part can be attributed to UK economic cycles but also evolving planning policy which has increasingly pressed for a town centre first policy, evident in the NPPF. More locally the evidence suggests that Nottingham has had an average take up of office space of approximately 28,000m² per annum over the last decade and that this is significantly smaller than other core cities. By comparison Liverpool, Leeds and Birmingham have an average take up of over 63,000m² per annum. In part this is explained by the boundary of Nottingham City being drawn comparatively tightly and the City experiencing leakage of demand for B1 office space to neighbouring districts, but overall Nottingham has a smaller office market than many of the other core cities. Of the 28,000m² of floor space that is taken up each year approximately 15,000m² of this has been new floor space and at an average delivery rate over a ten year period of just under 2000m², Nottingham Business Park represents just 15% of the total new stock coming onto the market. By comparison NG2 has delivered approximately 5,300m² per annum (a market share of 33%), the city centre a similar proportion and other out of centre locations including Nottingham Science Park and the University of Nottingham's Innovation Park approximately 20%. The report explains that proximity to the city centre has been important in this regard but also points that the concentration of highly skilled residents in the Nottingham area are predominately to the south and south west and this may have had a bearing on the performance of Nottingham Business Park in recent years.
- 7.4 The emerging Aligned Core Strategy was submitted to the Secretary of State on 7 June 2013 with the examination hearing sessions scheduled to commence in October 2013. The NPPF states in paragraph 216 that the more advanced the preparation of the emerging the plan, the greater the weight can be afforded. The level of weight attributed is also influenced by the extent of unresolved objections (the less significant the unresolved objections the more weight afforded) and the consistency with the NPPF. In terms of analysing the future needs of office development in the City, the Aligned Core Strategy contains a target of 253,000m² of such floor space up to the year 2028. This equates to approximately 15,000m² a year which is consistent with the delivery experienced over the last decade. It is considered that this figure can be attributed considerable weight as there is no significant objection to this aspect of the ACS. This conclusion is mindful of the stronger levels of objection to the overall housing figures, with objectors promoting that a higher provision of housing is required. In theory a higher level of housing

could lead to a higher requirement for office space but nevertheless the figures for office floor space in the ACS appear sound. The report submitted with the application projects that at least 335,000m² is likely to be supplied through the core strategy period, excluding any future provision at Nottingham Business Park, but including an assumption that the Boots Enterprise Zone will deliver circa 100,000m² and that there is approximately 200,000m² in the pipeline within the city centre. This is considered to be an accurate projection and the conclusions of this are that the release of the southern portion of the Nottingham Business Park site for housing would not compromise the supply of office space or employment growth within the City. Furthermore the northern part of the Business Park, which is not subject to this application, is capable of yielding a further 19,000m² of B1 accommodation. Based on recent take up rates over the last 2-3 years this could result in a further 19 years worth of supply, though this should be tempered by the prospect of the HS2 scheme which may reduce the amount of developable/existing floor space available. The report also comments that seeking alternative employment development in the form of B2 or B8 is not recommended. This is primarily based on the difficulties of developing these types of uses alongside prestige B1 office use in terms of controlling their appearance and how this impacts upon the objective of creating a high quality business park environment. In addition given the sites rural fringe location, it is considered that the development of larger scale industrial or warehouse premises would be likely to have a significantly more intrusive impact on the adjacent Green Belt.

- 7.5 The content and findings of the report, as discussed above, are broadly accepted and supported. The evidence suggests that the loss of part of the Business Park is not critical to the overall supply of office floor space and given its past delivery rates, likely owing to the site's location, it is appropriate to consider other forms of development. In terms of housing the site is capable of bringing forward up to 300 dwellings, which would make a significant contribution to the Council's five year land supply, as required by the NPPF, as the site is available and would be largely and potentially entirely deliverable within this period. From analysing the housing figures, if this site were not to come forward for housing purposes the Council's housing supply would be only marginally above the required 5 year requirement (with a 5% buffer) and therefore given the amount of development that can be delivered, it is considered that the site is very important to the Council's housing land supply.
- 7.6 Whilst compliance with Policy E1 cannot be achieved through proposing an alternative land use to office development, it is considered that the material considerations of a sufficient office supply over the ACS plan period, coupled with the requirement to maintain a five year housing land supply, results in the principle of the proposed residential development being considered acceptable. The site will also deliver the requirements of Policy ST1a in that it will make a valuable contribution to the provision of a balanced mix of housing size, type and affordability, with a significant emphasis on family housing. The balancing pond is the only part of the development within the Green Belt and it considered a drainage basin is appropriate development within the Green Belt that would pose no harm its openness and by its nature would preserve the character of the rural buffer to the proposed development.
- (ii) Access and Traffic Impact (Policy BE2)**
- 7.7 The application is an outline proposal which seeks to establish the principle of the land use but also includes consideration of access issues, with all other matters reserved. It is proposed to primarily access the site from two main points; a new

signalised junction off Woodhouse Way and extending the arm of the existing roundabout on Lawrence Drive to the south. In addition a third access point has been included on the Masterplan which allows vehicles to enter the site earlier off Lawrence Drive but with the internal layout designed to encourage a lesser number of vehicles using this access option. Highways are satisfied that the traffic created by this development is acceptable and will represent a net decrease on that projected to be created if the development permitted by the Business Park planning permission of 2000 was fully built out. In terms of cumulative impact the nearby application within Broxtowe's administrative boundary has been refused on grounds of principle and it has not therefore been necessary to raise this matter with the applicant.

- 7.8 Highways are satisfied that the designs for all three proposed junctions will ensure safe access and egress into the site, from and to the highway network. It is recommended that conditions are imposed to secure the delivery of the junction designs as indicatively proposed and these will be linked to the phasing of the development which will also need to be established by condition.

(iii) Ecological Impact of the Development (Paragraph 118 of the NPPF and Policies NE2, NE3 and NE5 of the Local Plan).

- 7.9 The submitted ecological appraisal has identified that no evidence of Great Crested Newts has been found from ponds within 250m of the site and suitable terrestrial habitat for this species and other herpetofauna, such as smooth newts and reptiles, is to be retained as part of the proposals. In terms of bats the veteran and mature trees are recognised as having features that provide suitable habitat for roosting bats whilst the hedgerows and field margin habitats could provide suitable foraging areas. The woodland edge, hedgerows, scrub and field margins, have the potential to support foraging bats, but are unlikely to provide significant movement corridors on site due to the lack of connectivity with other areas of woodland. These features will however be retained and buffered from the development and any effects are therefore considered unlikely. The retention of such areas means that any adverse impact on nesting birds will be minimised and, where necessary, recommendations are included within the ecological appraisal regarding the removal of any habitat outside of the bird breeding season. None of the ecological consultees, namely Natural England, Nottinghamshire Wildlife Trust or the Council's Biodiversity Officer offer any objections to the application and it is considered that the ecological impact of the development, on a site which is comparatively biodiversity poor, is satisfactory.
- 7.10 The proposed development offers opportunity for biodiversity enhancement in accordance with the aims of the NPPF through the creation of the open space/landscape areas which will increase habitat area and can be secured via condition as part of the landscaping proposals. A further opportunity to enhance access to Stonepit Plantation exists as part of the development proposals, though an appropriate balance needs to be struck in this regard to ensure that increased footfall is managed to limit any adverse impacts. The Stonepit Plantation is outside of the application site and not within the ownership of the applicant, (this is owned by Nottinghamshire Wildlife Trust) but details of any specific proposals to increase access will be again be controlled by condition and will involve close liaison with the Trust.

(iv) Layout and Design (Paragraph 56-64 of the NPPF and Policies ST1, H2, H3, R3, BE1, BE2, BE3, BE5, NE5 and NE9)

- 7.11 Matters relating to layout and appearance of the development are reserved for future consideration but nevertheless the application is required to demonstrate that the site is capable of delivering the amount and form of development proposed. The masterplan shows that the site can be developed in a considered and successful manner and would provide a range of house types, including a significant proportion of family houses which accords to the objectives of Policies ST1 and H3. The layout and supporting Design Code document demonstrate the potential to achieve areas of character and identity with houses addressing streets, open spaces and key corners. The integration of existing and proposed open space is key in the design philosophy with the scheme designed to address natural features such as the tree copse and other retained trees, and surrounding open countryside. The density of the scheme is approximately 30 dwellings per hectare, which is comparatively low but allows a high proportion of larger family housing and respects the position of the site on the urban/rural edge.
- 7.12 The road hierarchy is well considered with great emphasis on providing characterful streets through the position of buildings and hard and soft landscaping. The masterplan responds to its location on the urban/rural edge and is respectful to the neighbouring Green Belt in terms of the location of dwellings and the use of natural boundary features such as hedges in appropriate locations. Within the development the application demonstrates that a good degree of permeability could be achieved with connecting streets and routes proposed in favour of cul-de-sacs and private drives. The Design Code has been amended to give assurances that the character areas will not only be defined by space afforded to dwellings and their relationship with the street, but through a variety of architectural styles from traditional to a more contemporary approach. Boundary treatments will largely be brick walls with some railings to give a strong sense of enclosure and defensible space, though exceptions are considered acceptable where the character dictates otherwise, particularly for properties on the rural fringe to the west of the site. Any subsequent reserved matters applications will be pursued on the basis of the design approach established by the masterplan and Design Code document and this will be secured via condition.
- 7.13 It is recognised that the challenge in developing this site is to as far as possible integrate the development to the existing residential area to the east. This is difficult due to the dividing nature of Woodhouse Way, which acts as a physical barrier and is a busy route for access to the City and the M1. The size of the development although comparatively large at 300 dwellings, would not in itself be likely to be support significant local facilities such as retail provision within the scheme. Future residents will largely therefore need to rely on existing local services and to aid connectivity the proposed junction on Woodhouse Way will provide a crossing point allowing access from the development site to the east side of Woodhouse Way. This crossing is in addition to the existing crossing further north and detailed discussions have been undertaken to ensure all junction/crossing designs maximise use by pedestrians. In addition the development proposals include a range of measures to be secured through the Section 106 Agreement. These are discussed in more detail later within the report but include a contribution to upgrade the existing bus operation which currently serves the Business Park, with the masterplan making provision for a route through the site to allow residents regular and convenient access to public transport.

7.14 It is considered that the masterplan demonstrates that the development should provide an attractive living environment with excellent access to outdoor recreation space. Noise and Pollution Control are satisfied that subject to conditions relating to sound insulation, the impact of traffic noise from the M1 and Woodhouse Way will be satisfactorily mitigated.

v) Section 106 Matters (Policies H5, R2 and T2)

7.15 The proposed development attracts a number of developer contributions which will be secured through a Section 106 obligation. It is proposed that 20% of the housing will be affordable units on site and so this has the potential to deliver up to 60 affordable dwellings. The exact size mix and tenure of the affordable units will be established through the reserved matters application but will broadly reflect the housing mix of the site as a whole on a proportionate basis. It is proposed to construct a minimum of eight bungalows as part of the affordable mix, to increase the variety of the housing offer.

7.16 In terms of education the local primary schools are currently already experiencing capacity issues and consequently a development of the size proposed is going to increase pressure for school places. On the assumption that the development provides 300 dwellings it is anticipated, using the Council's established formula that this will derive a requirement for 54 places and a total contribution of £618,570. As the exact number of dwellings is not currently known this figure could alter but the applicant has agreed to an education contribution on a formula basis and this will mitigate the impact of the additional primary school places required as a result of the development. The secondary school system currently has sufficient capacity to accommodate children from the development and on this basis a contribution to secondary education places is not justified against the tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

7.17 A public transport contribution of £288,258 has been negotiated to upgrade the existing bus service. The current Worklink 3 (W3) service is one way and runs from the City to the Business Park in the morning peak period (arriving at 0725, 0745, 0815 and 0845 hours), and returns in the evening peak period (departing from NBP at 1531, 1601, 1645, 1715, 1745 and 1815 hours). As part of the development proposals, funding will be provided to improve the W3 so that it runs on a two way basis in the peak periods, at an approximate frequency of one bus every 30 minutes. The W3 will also be extended to run on a two-way basis throughout the day (i.e. the inter-peak between 0900 and 1600 hours), at a frequency of one bus per hour. The improved W3 will be diverted through the site and will be a benefit to both new residents of the development and existing bus users of the W3 route. This contribution will also provide a temporary bus stop during construction, new bus stops within the development and a westbound bus stop on Lawrence Drive. In addition and not included in the contribution figure quoted above, the applicant has committed to issuing homeowner packs to each household which will include authorisation letters for two free six month kangaroo passes. These passes enable access to bus, tram and train services within the Greater Nottingham area. This will encourage use of public transport and together with the contribution towards to improving the bus service represents a significant benefit that is commensurate to the development proposed.

7.18 An open space contribution has been secured based on the formula within the Council's Open Space Supplementary Policy Guidance. The final amount is dependant on the mix of the size of the dwellings, with the number of bedrooms the

defining factor in the amount required per dwelling. Based on an indicative mix the figure calculated is £372,000 which will in part be spent on site but will also include off-site improvements within the local area including Strelley Recreation Ground and Broxtowe Country Park. The Section 106 obligation will also secure the management of the on-site open space which will be the responsibility of a management company at the expense of the developer.

Other Issues

- 7.19 The site is situated within Flood Zone 1, an area of least flood risk, but given the scale of the development the application is accompanied with a Flood Risk Assessment. The Environment Agency at present has an objection to the application on a very specific technical ground regarding the calculation of greenfield run-off rates. The applicant is currently working on satisfying the EA's concerns in this regard and any further comments from the EA will be reported at the meeting. However, the principle of the development of this site for residential purposes is considered acceptable in flood risk terms and therefore subject to the removal of the technical objection from the EA and the inclusion of related conditions it is considered that flooding issues have been satisfactorily addressed in compliance with Policy NE10 of the Local Plan.
- 7.20 The Coal Authority are broadly satisfied with the information supplied though have recommended that a condition be attached that imposes a 'No Build' zone of 20m to any mineshaft. The applicant has provided information to the Coal Authority to support their stance that a 10m exclusion zone is satisfactory and the masterplan has been designed on this basis. A further response from the Coal Authority is awaited but the applicant has advised that a condition to require details to ensure land stability within the distance range of 10-20m, in addition to a complete exclusion of build within 10m of a mineshaft would be acceptable. This appears a proportionate response to the issue, which in any event could be further explored at the reserved matters stage where precise details of layout would be determined. Noise and Pollution Control recommend a contaminated land condition and subject this and the mineshaft exclusion condition, compliance with Policy NE12 is achieved.
- 7.21 HS2 has been consulted on the application and their comments are awaited. The proposed HS2 route does not intrude into the development site and even at its closest distance is still approximately 200m to the west of any housing with the Business Park between the two. It is therefore considered that the proposed development will not affect the delivery of the broader strategic transport aims of the HS2 proposals.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 An Energy Statement has been submitted with the application which identifies that development will principally take a fabric first approach to achieving the required minimum 10% carbon emissions reduction,. The proposals for achieving this include:

- Higher levels of insulation
- Higher performance of windows and doors
- Reduced air infiltration rates
- Enhanced thermal bridging performance
- Maximisation of passive solar and metabolic gains

100% energy efficient lighting (25% higher than required by Building Regulations).

- 8.2 However, in addition the applicant has undertaken to commit to 25% of the properties on the site incorporating Solar PV hot water systems. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application file reference: 13/01703/POUT
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01703&action=Search>
2. Comments from NCC Highway dated 28 August 2013
3. Comments from Natural England dated 26 July 2013
4. Comments from Severn Trent Ltd dated 29 July 2013
5. Comments from Broxtowe Borough Council dated 21 August 2013
6. Comments from Nottinghamshire Wildlife Trust dated 14 August 2013
7. Comments from the Coal Authority dated 9 August 2013
8. Comments from Tree Officer dated 29 August 2013

9. Comments from Environment Agency dated 27 August 2013
10. Comments from Biodiversity Officer dated 29 August 2013
11. Comments from local residents/businesses dated 09 and 12 (x2) August 2013

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193

My Ref: 13/01703/POUT

Your Ref:

Contact: Mr Mark Bassett

Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Antony Aspbury Associates Ltd
FAO Mr Mike Downes
20 Park Lane Business Centre
Park Lane
Basford
Nottingham
NG6 0DW

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR OUTLINE PLANNING PERMISSION**

Application No: 13/01703/POUT
Application by: Wilson Bowden Developments Ltd
Location: Land To South Of Nottingham Business Park, Woodhouse Way, Nottingham
Proposal: Proposed residential development of up to 300 dwellings, together with open spaces, vehicular accesses and service infrastructure.

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. Application for the approval of any reserved matters (the layout, scale, appearance and landscaping of the site) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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DRAFT ONLY
Not for issue

Continued...

2. The development shall not be commenced until a phasing plan for the entire development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include reference to the different phases of housing and the provision of access points, the roads, the surface water drainage scheme, the public open space and other areas of public realm/amenity land. Thereafter the development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3 and BE5 of the Local Plan.

3. Notwithstanding the noise report submitted, an environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas). The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall be designed to achieve the following internal noise levels:

- i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii. Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii. Not more than 55dB LAeq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

- i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.
- ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

The sound insulation measures and any complementary acoustical ventilation scheme shall be installed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.



4. Prior to the commencement of the development an air quality screening assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall assess the effect of existing air quality on the future receptors within the development and the impact on air quality of the development itself. The assessment shall identify any mitigation measures which may be required and the approved mitigation measures shall be implemented prior to the first occupation of the development.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

5. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the nature and extent of contamination, and the measures to be taken to avoid any risk to health and safety and ground and surface waters when the site is developed. In particular the scheme shall include:

- (i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation, which shall include a risk assessment relating to ground and surface waters, both on and off the site;
- (ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;
- (iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective; and
- (iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Thereafter the remediation works shall be implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan.

6. The development shall not be commenced until a detailed surface water drainage scheme, based on SUDS principles and including a timetable for its implementation a has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development in accordance with Policies BE4 and NE10 of the Local Plan.



7. The development shall not commence until a landscaping scheme for street trees and any other planting on roads, footpaths or verges has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping and planting scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

8. Notwithstanding the submitted Sustainability and Energy Statement the development shall not be commenced until a scheme for 10% of the development's energy supply (interpreted through carbon emissions) to be provided by way of a renewable or low carbon energy supply, has been submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of the scheme. Thereafter the renewable/low carbon energy scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development and in accordance with Policy BE4 of the Local Plan.

9. No development shall take place until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction; and,
- f) a scheme for recycling/ disposing of waste resulting from construction works.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to reduce the possibility of detritus being deposited on the highway.

10. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.



11. The development of each phase shall not be commenced until details of the external materials of the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

12. The development of each phase, shall not be commenced until details of the means of enclosure for the site and individual dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

13. The development of each phase shall not be commenced until details of all hard surface treatments within that phase, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

14. Prior to the commencement of development an ecological enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of additional habitat creation, proposed access arrangements to Stonepit Plantation, a timetable for implementation and any associated management arrangements. The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy NE2 of the Local Plan.

15. The development of each phase shall not be commenced until details of the finished floor levels of each dwelling and all roads within that phase, including street-scene cross sections, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

16. Prior to the occupation of the first dwelling a landscaping and planting scheme for the public open space and other areas of public realm/amenity land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping and planting scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

17. No dwelling shall be occupied within a phase approved under condition 2 until a detailed landscaping and planting scheme for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes. Thereafter the approved landscaping and planting scheme, insofar as it relates to each dwelling within the phase, shall be carried out in the first planting and seeding seasons following the occupation of the dwelling. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance and ecology of the development in accordance with Policies BE5 and NE5 of the Local Plan.

18. Each dwelling shall not be occupied until the means of enclosure have been erected in accordance with details to approved under conditions 12 and the parking provision (surfaced in accordance with the details approved in relation to condition 13) has been made available for use.

Reason: In the interests of the appearance of the development in accordance with Policies BE3 and T3 of the Local Plan.

19. No dwelling shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

20. The reserved matters application(s) shall be submitted in accordance with the approved revised Design Code dated XXXX unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3, BE5 and T3 of the Local Plan.

21. The three access points approved, including the signal controlled junction and associated pedestrian and cyclist improvements at Woodhouse Way, shall be constructed in accordance with the phasing details approved pursuant to condition 2 and in accordance with the following indicative drawings unless a variation is first submitted to and approved in writing by the Local Planning Authority:

BWB Consulting Limited WBP_474_001_P6 - Woodhouse Way

BWB Consulting Limited WBP_474_003_P1 Lawrence Drive Roundabout

BWB Consulting Limited WBP_474_004_P1 Lawrence Drive secondary access

Reason: In the interests of highway safety and in accordance with the aims of Policy BE2 of the Local Plan.

22. No buildings shall be erected within 10m of a mineshaft, as identified on the indicative masterplan and within the mineshaft investigation report.

Reason: In the interests of land stability and safety and in accordance with the aims of Policy NE12 of the Local Plan.

23. Any buildings between 10-20m of a mineshaft as identified on the indicative masterplan and within the mineshaft investigation report, shall not commence until detailed drawings to ensure the stability of the building in relation to the mineshaft have been submitted to and approved by the Local Planning Authority, in consultation with the Coal Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of land stability and safety and in accordance with the aims of Policy NE12 of the Local Plan

24. The trees identified for retention on FPCR plan no: 1848-A-03A within the Arboricultural Assessment shall be retained unless their removal has been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance and ecology of the development in accordance with Policies BE5 and NE5 of the Local Plan.

25. The travel plan shall be implemented in accordance with the approved details and the monitoring reports shall be submitted to the Local Planning Authority in accordance with the details outlined in section 8.2.

Reason: To promote sustainable travel and in accordance with the aims of Policy T2 of the Local Plan.

Standard condition- scope of permission

S1. The development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 July 2013.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

4. The air quality assessment shall include a prediction of the nitrogen dioxide and particulate pollutant concentrations likely to arise at the site.

The reference point for pollutant concentration limits is the Air Quality Strategy for England, Scotland, Wales and Northern Ireland Vol. 1 July 2007 and the Air Quality Objectives stated therein i.e.

NO₂ - annual mean no greater than 40 µg/m³

NO₂ - 1 hour mean 200 µg/m³ not to be exceeded more than 18 times a year

Particles, PM₁₀ - annual mean no greater than 40 µg/m³

Particles, PM₁₀ -24 Hour mean 50 µg/m³ not to be exceeded more than 35 times a year

5. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments may occur.

6. The developer should contact the Highway Authority as early as possible with regard to the issue of a Section 37 agreement under the Highways Act 1980 in relation to the adoption of Lawrence Drive. Please contact Mr Chris Capewell on 0115 876 5277 or Mrs Liz Hiskens on 0115 876 5293.

7. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

8. Prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact Mr Phil Harkins on 0115 876 5241.

9. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. For further information regarding the collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/01703/POUT

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.