

REPORT OF CHIEF PLANNER

100 Woodyard Lane, Nottingham

1 SUMMARY

- Application No: 18/00060/POUT for outline planning permission
- Application by: Michael Davies on behalf of Nottinghamshire County Council Pension Fund
- Proposal: Demolition of existing buildings and the erection of up to 110 dwellings and means of access.

The application is brought to Committee as it is a major application where there are important land use considerations and because it is subject to a S106 obligation.

To meet the Council's Performance Targets this application should have been determined by 18th April 2018.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

(a) Prior completion of a section 106 planning obligation which shall include:

- (i) The requirement to provide 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more.
- (ii) A Financial contribution towards education.
- (iii) On-going management and maintenance arrangements for the on-site public open space, other amenity land and Sustainable Urban Drainage System.
- (iv) A financial contribution of £3,350 towards the improvement of the footpath link between the site and Lambourne Drive (through the former Canal Basin).

(b) The indicative conditions substantially in the form of those listed in the dra decision notice at the end of this report.

- 2.2 The Power to determine the content and requirements of the S106 agreement be delegated to the Director of Planning, Regeneration and Housing in consultation with the Committee Chair, Vice-Chair and opposition spokesperson, and be subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met.
- 2.3 The power to determine the final details of the conditions be delegated to the Director of Planning, Regeneration and Housing.

3 BACKGROUND

- 3.1 The site is located in the Wollaton West ward It is largely rectangular in shape and is approximately 3.94 hectares in area. It consists of three employment buildings and hardstanding on the eastern part of the site and a private sports ground on the western part. Siemans previously occupied the site for offices and manufacturing (Class B1 and B2) but relocated in December to a new site in Nottingham City.
- 3.2 The site includes an area of private open space with no public access. The open space was historically used by Siemans employees for recreational use, however the space has been fenced off and has been out of use for over five years.
- 3.3 The site is bound to the north by the railway line (with the Glaisdale Road Industrial estate beyond), to the east by Woodyard Lane and existing residential dwellings to the south and west on Lambourne Drive and Far Rye respectively. The mature landscaped area of the former Canal Basin adjoins the south western edge of the site.
- 3.4 The site's only access is from Woodyard Lane. This is a narrow single-track road, which is adjoined by residential development to the east and mature trees to the west, which are subject to a Tree Preservation Order (TPO). Beyond the access to the site to the north, Woodyard Lane forms a bridleway, which crosses the railway and links through to the Wigman Road roundabout.
- 3.5 Mature trees edge most of the site boundaries and those to the western boundary are subject to a TPO. The site also sits within two Archaeological Constraint Areas and falls within a Minerals Safeguarding Area.

4 DETAILS OF THE PROPOSAL

- 4.1 This application is seeking outline approval for residential development of the site with access arrangements being the only detailed matter submitted for approval at this stage. The submission however includes an illustrative masterplan, which indicates that approximately 110 dwellings could be accommodated on the site. The development would be served by the existing vehicular access from Woodyard Lane, which is proposed to be improved.
- 4.2 The illustrative masterplan includes areas of public open space, the retention of existing mature trees around its edge and sustainable urban drainage.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

82 Neighbouring properties on the following streets have been notified of the proposal:

Lambourne Drive
Far Rye
Tom Blower Close
Charlbury Road
Hallowell Drive

The application has also been publicised through the display of a site notice and

the publishing of a press notice.

Ten local residents and the Nottingham Local Access Forum have written in with the following concerns:

- Woodyard Lane currently takes the form of a narrow single width road. There is concern that the road is too narrow to accommodate the traffic associated with the development.
- The junction of Woodyard Lane / Tom Blower Close / Lambourne Drive is considered to be dangerous. The lack of sightline (particularly when approaching southeast on Lambourne Drive), its narrow swan neck layout and 3 into 1 triple T-junction shape of the junction caused regular conflicts when Siemens operated from the site. Regular use of the junction area for parking of delivery, postal and maintenance vehicles, and parking overspill from the Kingswood Methodist Church, often exacerbates the problem. There is concern that any increase of traffic using the junction would result in a collision hotspot. Residents request that the junction is redesigned as part of the development and should include parking restrictions in the immediate junction area.
- The Transport Assessment has missed an important point by counting 'peak hour trips'. It has failed to fully account for the direction of trips. Siemens traffic was into Woodyard Lane in the morning; commuter traffic from the new development will be out of Woodyard Lane, and will therefore add to traffic from Lambourne Drive and Tom Blower Close. The reported conclusion that "the proposed development would significantly reduce vehicle flows from the development site" is therefore selective; total volume may decrease, but peak directional flow will increase, and traffic from Siemens was negligible in evenings and weekends, whereas traffic from the development will be more significant through the day and week.
- Another resident has raised concerns that the Traffic Assessment has neglected to consider traffic impact on Torvill Drive and its western exit onto the A609, which directly runs through from Lambourne Drive. Given the potential increase in traffic in both directions they consider its lack of inclusion to be significant. The Traffic Assessment should also consider the potential implication of increased traffic along Torvill Drive resulting from increased trip to the major supermarket on the A609.
- Notwithstanding the traffic assessment, which has been based on a single day in June, residents consider that traffic at the traffic light controlled junction of Lambourne Drive and Wollaton Road to be busy and often queued. They consider that this has been exacerbated by the recent addition of the Co-op and additional care homes, which have led to parking on both sides of Lambourne Drive. Residents feel that consideration should be given to extending the 'double yellow lines' on one side of Lambourne Drive further from the junction of Wollaton Road, to reduce congestion and 'head to head' vehicle conflicts.
- No consideration has been given to the improvement for cyclists as part of the development. This should be integral to the submitted Travel Plan and would be seen to compensate for potential increases in vehicular traffic.
- Residents are seeking the assurance that the fence line of properties along the eastern edge of Woodyard Lane with Tom Blower Close would be respected. A detailed assessment of land ownership along Woodyard Lane is requested. It is believed that the existing eastern fence line along Tom Blower Close does not reflect the true landownership between the Woodyard Lane and abutting properties.

- Seek an assurance that any road works to Woodyard Lane would not affect the levels and increase surface water drainage for adjacent properties on Tom Blower Close.
- Removal of trees to the eastern side of Woodyard Lane would remove shading, increase road pollution and reduce bird habitat for properties on Tom Blower Close. They also state that these trees might be located with the ownership of Tom Blower Close properties.
- The use of a wider shorter new access road into the site from Hallowell Drive should be considered.
- Concern that the Traffic Assessment does not include access and parking for construction traffic during the implementation phase of the development; particularly when Woodyard Lane is being worked on and access not possible.
- The closure of the informal gated access from Tom Blower Close is welcomed. One resident of Tom Blower Close considers that the fence between the Close and Woodyard Lane should be replaced with a 2m fence.
- Residents feel that the traffic assessment does not take into account the fact the use of Woodyard Lane has a heavily trafficked bridleway and cycle route between Wollaton Park and the Beechdale Road/Hollington Road/Wigman Road area. They state that traffic at the weekend traffic from Siemens is light and is predominantly heavy at commuter times during the week, affording full use of the road by pedestrians and cyclists. It is considered that use for residential traffic would be more evenly distributed through the week resulting in increased pressure on this road and pedestrian/cyclist safety.
- The housing density shown on the indicative masterplan is seen to be high. 90 dwellings is considered to be the optimum number.
- Impact on local schools and healthcare facilities, which are already oversubscribed.
- Noise and air pollution through the construction phase and as a result of increased traffic movements.
- Generic errors in the Statement of Community Involvement – these have been rectified.
- The site is seen as an important green corridor linking the railway embankment with the local nature reserve and allotments to the west of Lambourne Drive. The north-south corridor needs to be given more prominence and the open space on site seems to be a token gesture.
- The acoustic fence along the railway line is welcomed to reduce noise from the industrial estate to the north.
- Concern regarding the improved footpath link through the old canal basin and impact on security for existing residents. It is suggested that this area remains as existing to reduce impact on wildlife.
- Given that the Nottinghamshire County Council Pension Fund concern has been raised that the beneficiaries of the pension fund should not be taking part in the decision making process.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections. Conditions requiring a remediation strategy, implementation of the submitted sound insulation scheme, (which could include a 3m acoustic barrier along the line of the railway) and electric vehicular charging points are recommended.

Highways: No objections. Conditions relating to a construction management plan, details of the proposed vehicular and pedestrian access and removal of redundant crossings are recommended. The applicant is required to work with the Council with

regards the implementation of Traffic Road Orders on Woodyard Lane to protect the access and maintain highway safety.

Drainage: No objections, subject to development of the site being carried out in accordance with the submitted Flood Risk Assessment.

Biodiversity Officer: No objections, subject to the development being carried out in accordance with the recommendations of the submitted ecological appraisal. The appraisal should be updated prior to submission of the reserved matters application.

Tree Officer: No objections. Access proposals would involve the removal of trees to the eastern edge of the highway and this would be acceptable, subject to trees being replaced at a ratio of 2:1. An arboricultural assessment and tree protection measures are required by condition.

Sport England: No objections.

Environment Agency: No comments.

City Archaeologist: The site encompasses two Archaeological Constraint Areas, both of which represent locks of the former canal. The archaeological potential for the site is not confined to those Constraint Areas. An archaeological field evaluation should be required as a condition of planning permission.

Nottinghamshire Wildlife Trust: No objections. The Trust are satisfied with the submitted ecological appraisal and the design of the attenuation basin to enhance biodiversity.

Parks and Open Spaces: The development has satisfactorily addressed Policy R1 in the adopted Local Plan. An improved footpath link should be secured through the old Canal Basin; currently this is unsurfaced. An improved green link should be created between the two areas of open space to provide continuity along the line of the old Canal Basin. The area of informal open space in the southeast corner of the site is considered to be satisfactory.

Network Rail: No objections. An informative on any subsequent planning permission is requested relating to development in close proximity to railway land.

The Coal Authority: The site falls within a defined Development High Risk Area and potential coal mining features and hazards need to be considered in relation to the determination of the application. Coal Authority records indicate that there are four mine entries on or within 20m of the site boundary. The site is also in area of likely historic unrecorded coalmine workings at shallow depth. The planning application is supported by a Coal Mining Risk Assessment. The report acknowledges that coalmining legacy issues present on and in close proximity to the site. The report therefore recommends that intrusive site investigations should be carried out for both the mine entries and shallow coalmine workings. These would be expected to include gas monitoring and/or a gas risk assessment.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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 unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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.

Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy E4 – Existing Employment Sites

Policy H2 – Housing Density

Policy H5 – Affordable Housing

Policy R1- Open Space Network

Policy R2 – Open Space in New Development

Policy R5 – Playing Fields and Sports Grounds

Policy BE16 – Archaeological Constraint Areas

Policy NE3 – Protected Species

Policy NE5 – Trees

Policy NE6 – Trees covered by a Tree Protection Order

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Derelict and Contaminated Land

Policy T3 – Car, Cycle and Servicing Parking

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 14 - Highways

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Emerging Local Plan (Land and Policies Document)

The site is allocated in the emerging Local Plan (part 2) for residential use (PA).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development and loss of Open Space Network;**
- (ii) Density, layout and scale;**
- (iii) Relationship with adjoining residential properties**
- (iv) Highway considerations;**
- (v) Planning obligations.**

i) Principle of the development and loss of Open Space Network (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, E4, H2 and R1 and R5 of the Local Plan)

- 7.1 The site is currently vacant employment land but lies within an area, which is residential in character. It is allocated for housing development in the emerging (part2) Local Plan, the Land and Planning Policies Development Plan Document (LAPP) reference “PA35 Woodyard Lane - Siemens”. Whilst the application is in outline and therefore subject to details such as housing mix being agreed at a later stage the LAPP identifies the site for predominantly family housing and estimates the minimum, maximum and midpoint of expected dwellings are to be 90, 120 and 105 dwellings respectively. The number of dwellings proposed in the outline application (110) is in line with this. Although the LAPP is not yet capable of being a material planning consideration in its own right it is at an advanced stage and sets out a clear direction for this site. The development of this vacant brownfield site for residential development in an established residential area in any event satisfies the

relevant policies of the adopted development plan, comprising the Local Plan and the Aligned Core Strategy. There is therefore no objection to the principle of the use of the site for a residential development.

- 7.2 This is a vacant employment site, which is located within a primarily residential area, with residential properties to three sides. Woodyard Lane has a narrow carriageway, which is considered unsuitable for its use for heavy industrial traffic and by large vehicles normally associated with employment uses, particularly given its use by cyclists, pedestrians and residential traffic. Its long term use by Siemens has resulted in a building form which has been tailored to their business needs and is unlikely to be suitable for other employment uses. Its poor siting, access and building form are acknowledged through its allocation for housing in the LAPP. The proposal is considered to comply with Policy E4 of the Local Plan.
- 7.3 The NPPF, Aligned Core Strategy and Local Plan policies support the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. The NPPF states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. The indicative layout put forward for consideration at this time is for a development of houses that would provide family accommodation with generous gardens, and a small element of apartments. Such accommodation would support the aims and objectives of policies ST1 and Policy 8 that support the provision of family housing.
- 7.4 The western part of the site currently forms a disused private sports field and is allocated in the adopted Local Plan as part of the Open Space Network. As such, the proposal needs to be assessed against Policy R1 of the Local Plan.
- 7.5 Policy R1 of the Local Plan seeks to protect the Open Space Network (OSN) from inappropriate development. The former sports field forms a small part of the OSN within the area and as a former sports field has limited landscape value. The area has been fenced off from use by employees for over five years and has always been inaccessible to the public. Development of the site is to be supported by the provision of new publically accessible open space and a large attenuation pond, both of which would be designed to enhance biodiversity. Mature trees, which edge the site and provide the highest level of ecological value, are to be retained to provide green corridors that link into surrounding parts of the OSN to the south, west and east, and the ecological rich rail corridor to the north. In addition, the development would facilitate improved accessibility into the old Canal Basin to the south and to Lambourne Drive beyond. These proposals align with the guidance for the site as set out with its allocation in the draft LAPP.
- 7.6 It is therefore considered that the proposal would not have a detrimental impact on the environmental, landscape or wildlife values of the Open Space Network.
- 7.7 Sport England have raised no objections to the loss of the former sports field given the length of time it has been disused.
- 7.8 The proposal would therefore comply with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, E4, H2 and R1 and R5 of the Local Plan.

(ii) Density, layout and scale (Policy 10 of the Aligned Core Strategy and Policies H2, T3, NE5 and NE6 of the Local Plan)

- 7.9 All matters regarding site layout, scale and design of the proposed dwellings would be considered by a subsequent reserved matters submission. The application is however supported by an illustrative masterplan and detailed Design and Access Statement.
- 7.10 The illustrative master plan shows the provision of 110 dwellings, which would deliver an average of 28 dwellings per hectare. The indicative housing mix comprises largely of three bedroom family houses with a smaller range of two, four and five bedroom dwellings; which reflects the character of the site and the largely family housing proposition in the surrounding area. A small apartment scheme is shown in the northeast corner overlooking the eastern boundary of the site and the bridleway beyond. The roads and built form reflect the general form and pattern of the surrounding area. A primary loop road served by the existing access from Woodyard Lane would provide vehicle access to the central part of the site, with secondary streets accessed from it. The layout also depicts an urban form consisting of detached, semi-detached and some terraced housing organised in perimeter blocks. Continuous frontages are proposed to define and overlook the streets. Building heights are to be restricted to two storey along the sensitive western and southern boundaries of the site adjoining existing residential development. Central areas would also be predominantly two storey with allowance of increasing up to 2.5 storey where increased building heights could contribute towards the definition of key buildings and spaces. Along the eastern edge with Woodyard Lane the ability for buildings to be three storeys in height is suggested to provide a strong built presence along this entrance edge.
- 7.11 A key feature of the indicative masterplan is its retention and enhancement of existing green infrastructure around the edges of the site. The position of the new accessible public open space and attenuation pond in southern corner of the site would create an attractive open and green entrance into the site, provide the potential for it to be framed by key buildings and create a strong sense of arrival. Retained trees to the southwest corner of the site and the old Canal Basin open space beyond would be enhanced through the creation of additional green amenity space in this corner of the site. The provision of a 'green' street to bridge the two areas of open space would create a green link between remaining sections of the old Canal Basin.
- 7.12 All existing trees on the site, including trees protected by a TPO along the western boundary are to be retained. An arboricultural method statement, to include tree protection measures and landscaping scheme, would be required by condition.
- 7.13 It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy and Policies H2, T3 and NE5 and NE6 of the Local Plan.

(iii) Relationship with adjoining residential properties (Policy 10 of the Aligned Core Strategy)

- 7.14 The indicative layout has taken into account the relationship between the existing and the proposed properties. It is considered that the relationship with the properties immediately adjacent to the site is acceptable and that the proposal would not unacceptably impact upon the amenities of the neighbouring occupiers.

The reserved matters submission would resolve the detail of the layout, including the boundary treatment to the edge of the site where it abuts existing residential properties. It is therefore considered that the proposed development would satisfy Policy 10 of the Aligned Core Strategy, in this regard.

- 7.15 It is not considered that the loss of the semi mature trees to eastern side of Woodyard Lane would have an adverse impact on the amenities of properties on Tom Blower Close. The issue of landownership raised by objectors is discussed below.
- 7.16 An informal footpath already runs through the site of the old Canal Basin. Plans are simply to resurface this with compacted loose stone to improve accessibility and help maintain the areas environment. It is not considered that the resurfacing of the footpath would have further impact upon the amenities of neighbouring properties.

(iv) Highway considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.17 Access for vehicles and pedestrians would remain as existing from Woodyard Lane. Woodyard Lane currently measures 4.2m in width and has a 20mph speed limit. A 1.3m footpath runs along the western side of the carriageway to provide pedestrian access into the site. To the north of the site Woodyard Lane is downgraded to a bridleway, which proceeds towards Wigman Road/Hollington Road roundabout via the railway bridge. Demountable bollards prevent vehicular access occurring beyond this point.
- 7.18 The access into the site is proposed to be improved with a block paved raised table. The access would be 5.5m wide with 2m footways, 6m radii and appropriate visibility splays. Woodyard Lane is to be resurfaced and widened to facilitate two-way traffic movements and achieve a road width of predominantly 4.8 to 5m in width, with new street lighting. Traffic calming measures, in the form of two build outs are proposed to create a priority chicane arrangement. The existing footpath would be widened to approximately 1.6m in width. The road would be designed with appropriate surface water drainage to avoid flash flooding of the existing highway and neighbouring properties. The road would be built to adoptable standards and secured through a Highway Agreement.
- 7.19 The Woodyard Lane road improvements would require the removal of a series of semi-mature trees along the eastern side of the carriageway, adjoining properties on Tom Blower Close. The Tree Officer has confirmed the loss of these trees to be acceptable, subject to replacement street trees being provided at a ratio of 2:1. The group of trees to the west of the carriageway, which are protected by a Tree Protection Order, would be retained. The requirement for replacement trees would be dealt with by condition.
- 7.20 Site ownership along the length of this part of Woodyard Lane has been investigated and the agent has confirmed that the works to the highway are in the adopted highway. The adopted highway plan does not appear to include all of the eastern verge. A condition is to be added to include details of works to the eastern verge to be agreed. Should there be any implications for land beyond the highway then this would be a matter for the developer to liaise directly with the adjacent landowner/s.

- 7.21 An existing informal opening in the fence along Tom Blower Close is to be closed with fencing to match the existing.
- 7.22 A Traffic Speed Order and Traffic Regulation Orders are proposed along the length of Woodyard Lane to prevent parking to either side of the carriageway, with double yellow lines to either side and reducing speed limits to 20mph. The applicant would bear the costs of their implementation.
- 7.23 No improvements are proposed to the junction of Woodyard Lane with Lambourne Drive.
- 7.24 Local residents suggested that access to the site should be accessed from Halliwell Drive a small cul de sac serving two properties and is accessed directly off Lambourne Drive. The applicant has stated that this access option involves third party land which is not available for use as part of the development.
- 7.25 Highways are satisfied that the design for the proposed access would ensure safe access and egress into the site from the highway network. It is recommended that a condition is imposed to secure the delivery of the junction design and improvements to Woodyard Lane as indicatively proposed.
- 7.26 In terms of potential traffic generation the scope of the submitted Traffic assessment has been agreed in consultation with Highways. Woodyard Lane previously carried traffic associated with the former Siemens site. These traffic movements were accommodated throughout the functioning life of the business and not only included daily vehicle traffic movements but also traffic movements associated with refuse collection and servicing.
- 7.27 Highways are satisfied with the submitted Traffic Assessment and that the traffic created by this development would be acceptable and would represent a net reduction from its previous use. Additional comments made by local residents regarding the Traffic Assessment are currently being considered by the applicant's highway consultant and the Highways team. A response will be reported to the meeting.
- 7.28 Matters regarding the internal road layout and parking for the proposed dwellings are not matters for the consideration of Committee and would be considered as reserved matters.
- 7.29 A Construction Management Plan would be conditioned to ensure the highway, pedestrians, cyclists and neighbouring residents are not adversely affected during the construction period.

v) Planning obligations (Policies ST1, H5 and R2 of the Local Plan and Policy 19 of the Aligned Core Strategy)

- 7.30 For this development, the policy compliant planning obligations which would ordinarily be required are:
- Provision of 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more.
 - A Financial contribution towards education.
 - On-going management and maintenance arrangements for the public open space, other amenity land and Sustainable Urban Drainage System.

- A financial contribution of £3,350 towards the improvement of the footpath link between the site and Lambourne Drive (through the former Canal Basin).

7.31 As financial contributions are calculated by reference to a policy-based formula reliant on the number of dwellings that will come forward in reserved matters, it is not possible to confirm the figures at this stage. The contributions will be secured by reference to the relevant formula in the Planning Obligation to be entered prior to the grant of permission.

Affordable Housing (Policy 8 of the Aligned Core Strategy and Policy H5 of the Local Plan)

7.32 Policy H5 of the Local Plan sets out the requirement to secure up to 20% affordable housing on all new residential developments. In this instance, it is considered that the affordable housing provision should be provided on site. The final tenure mix of the affordable housing would be secured through the Planning Obligation and dealt with at the Reserved Matters stage.

7.33 The applicant has agreed to the provision of affordable housing on site, however, they seek to offset the level of provision through the application of Vacant Building Credit (VBC). VBC came into force through the publication of national planning guidance in 2014 (subsequently revised in 2016). The VBC aims to provide an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, national guidance states that the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates affordable housing contributions.

7.34 VBC applies to any building that has not been abandoned. In considering how the vacant building credit should apply to a particular development, Local Planning Authorities should have regard to the intention of national policy. In doing so, a Local Planning Authority should consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

7.35 In June 2017 Siemens served notice of their intention vacate the site and relocate to smaller premises at the end of a six month period. The applicant did not take steps to terminate the lease and as such, the buildings were not “made vacant for the sole purposes of redevelopment”. Furthermore, the site does not benefit from “an extant or recently expired planning permissions for the same or substantially the same development”. Siemens subsequently vacated the site in December 2017 for new premises within the city boundaries.

7.36 It is therefore considered the redevelopment of the site as proposed would meet the tests for the application of VBC.

- 7.37 The Gross Internal Area Floorspace (GIA) on the site has been determined to be 5.280sqm.
- 7.38 As affordable housing is calculated by reference to a policy based formula reliant on details to be covered in the reserved matters, it is not possible to give a precise indication of what the final affordable housing provision would be at this stage. However, the applicant has provided a calculation based on the illustrative masterplan. Using an average of 100sqm of floorspace per dwelling, they have calculated that the proposed 110 dwellings would amount to approximately 11,000sqm of development. Without VBC the site would be required to provide 22 affordable housing units. Using the VBC calculation they consider that the development would provide 11.4 affordable housing units (rounded up to 12 dwellings). Whilst this gives an indication of the potential number of affordable dwellings to be provided on the site the Planning Obligation will once again secure the provision of affordable housing by reference to an agreed method of calculation.

Education (Policy ST1 of the Local Plan)

- 7.39 In terms of education, the secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. Based on the indicative layout Education have provisionally indicated that a figure in the region of £535,809 would be required. The contribution, if required, would be used towards expanding the capacity of secondary schools in the “West Planning Area”, which includes Bluecoat Beechdale, Fernwood and NUSA.

Public Open Space (Policy R2 of the Local Plan)

- 7.40 The public open space provision is based on the formula within the Council's Open Space Supplementary Planning Guidance. The illustrative masterplan shows on-site public open space which would meet these requirements for this development. The open space would be maintained by a management company. On-going management and maintenance arrangements for the public open space, other amenity land and Sustainable Urban Drainage System are to be agreed as part of the Planning Obligation.
- 7.41 The proposed footpath contribution would be put towards the improvement of the existing footpath link, which runs through the old Canal Basin. This is proposed to improve pedestrian accessibility between the site (and new open space) and Lambourne Drive.
- 7.42 In relation to all of the above obligations (including each of the named schools within the West Planning Area), the planning obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.43 The obligations proposed would accord with Policy ST1, R2 and H5 of the Local Plan and Policy 19 of the Aligned Core Strategy.

Other Matters (Policies 10 and 11 of the Aligned Core Strategy and Policies NE9, NE12 and BE16 of the Local Plan)

- 7.44 Contamination, Coal Mining and Noise: (Policy NE9 and NE12 of the Local Plan): The requirement for a remediation strategy to deal with ground contamination and a noise assessment/sound insulation scheme to protect future occupiers of the site

would be secured by condition. Intrusive site investigations should be carried out for both coalmine entries and shallow coalmine workings, which again can be dealt with by condition. The proposals are therefore in accordance with Policy NE9 and NE12 of the Local Plan.

- 7.45 Archaeology (Policy BE16 of the Local Plan): The submitted archaeology assessment has identified that the site sits within two areas of Archaeological constraint and has potential to contain archaeological remains. The Council's Archaeologist has requested a scheme for archaeological evaluation, which can be secured by condition.
- 7.46 In response to the issue regarding the City Council interest in the applicant company, this planning application is required to be determined by the City Council as Local Planning Authority and the recommendation is made solely in light of the proposed developments compliance with the National Planning Policy Framework and the policies of the Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. Further transparency is offered by the determination of the application at Planning Committee.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 and 17 of the Aligned Core Strategy and Policies NE3 and NE10 of the Local Plan)

- 8.1 The conservation and enhancement of existing trees and additional landscaping forms an integral part of the scheme.
- 8.2 Surface water drainage is to be reduced to greenfield runoff rates and has been designed to use sustainable drainage techniques. A surface water attenuation pond is to be provided in the southeast corner of the site and is proposed to include measure to enhance biodiversity. Details of surface water drainage would be dealt with by condition.
- 8.3 The Biodiversity Officer is satisfied with the contents of the submitted ecological assessment and that there are no constraints from European Protected Species. Conditions can be used to secure enhancements to the ecological interest of the site, which should include the following:
- The production and approval of a mitigation and enhancement strategy to include a Construction Environmental Management Plan, and Landscape and Ecological Management Plan;
 - Retention of trees on site that have been assessed as having a low bat potential. If these are to be removed as part of the detailed scheme, an appropriate bat roosting assessment should be made;
 - Retention of boundary vegetation features to all boundaries for commuting bats, which should not be lit and for potential badger commuting areas;
 - The inclusion of bat friendly lighting throughout the detailed scheme;
 - Bat and bird box scheme;
 - Update of badger survey and ecological assessment/ protected species scoping report;
 - Hedgehog friendly fencing throughout the scheme;
 - Details of landscaping and management for retained and newly created grasslands, meadows and buffers, including a specification for the attenuation pond;
 - Timber from felled trees to be left on site to create deadwood piles for invertebrates, small mammals and amphibians.

As such, the development accords with Policy 17 of the Aligned Core Strategy.

8.4 Vehicular charging points would be required by condition.

9 FINANCIAL IMPLICATIONS

The policy compliant requirements for Affordable Housing and financial contribution towards education, public open space and off-site footpath improvements are outlined in the above appraisal section. As an outline planning application, the final figures are not known and would be calculated in accordance with established formulas once a planning application for reserved matters is approved

10 LEGAL IMPLICATIONS

10.1 The issues raised in this report are primarily ones of planning judgement.

10.2 As identified in section 5 one objector has made comments that as the application is by the Nottinghamshire County Council Pension Fund the beneficiaries of the pension fund should not be taking part in the decision making process. The declaration of interests is a matter for individual Councillors. In addition to the comments made in paragraph 7.42 above any Councillors who may be in the pension scheme will not have a Disclosable Pecuniary Interest in the application by virtue of their membership of the scheme alone as there is no entitlement for them to occupy the land or receive an income from it. Councillors should however also have regard to the Council's Code of Conduct in relation to "Other Interests" where tests of reasonableness of and reasonableness of perception apply. Advice may be sought from the Director of Legal and Governance on this issue if required.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Deliver quality housing for all

Ensure Nottingham's workforce is skilled

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 No: 18/00060/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P2HFHNLXFNS00>

17 Published documents referred to in compiling this report

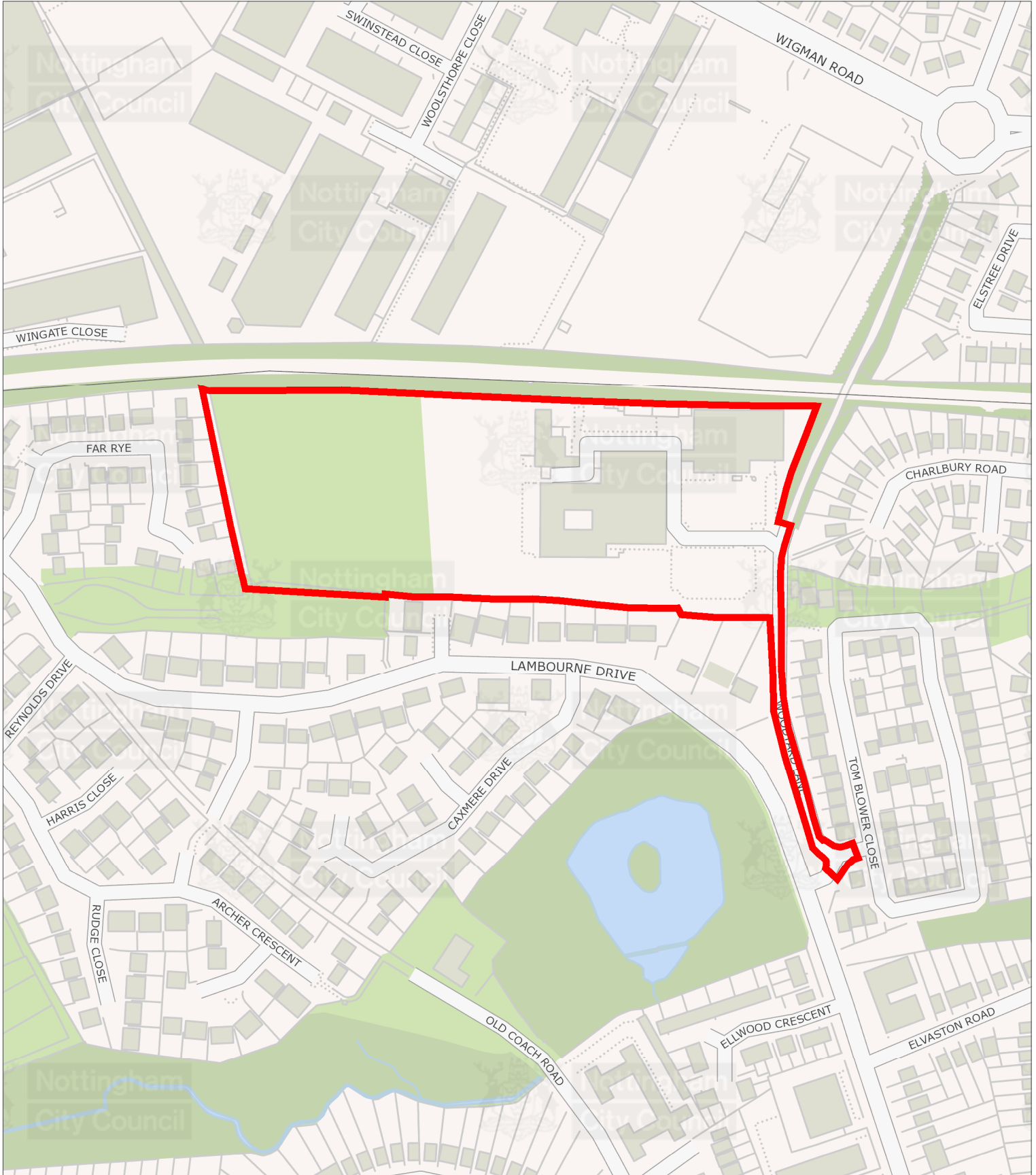
Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041


NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00060/POUT (PP-06640871)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Michael Davies
Savills
Innovation Court
121 Edmund Street
Birmingham
B3 2HJ

Date of decision:

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

Application No: 18/00060/POUT (PP-06640871)
Application by: Nottinghamshire County Council Pension Fund
Location: 100 Woodyard Lane, Nottingham, NG8 1GB
Proposal: Demolition of existing buildings and the erection of up to 110 dwellings and means of access.

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 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)

2. Approval of the details of scale, layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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.



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3. No development or site preparation works shall be carried out until details of a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:
- (a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
 - (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) Wheel washing facilities, if necessary;
 - (f) Measures to control the emission of dust and dirt during construction;
 - (g) Site security;
 - (h) Measures to prevent the deposit of debris on the highway and;
 - (j) A timetable for its implementation.

The construction of the development shall be carried out in full accordance with the Plan.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

4. No development involving the breaking of ground shall take place within the site until programme of archaeological works, consisting initially of an archaeological field evaluation, has been submitted to and approved in writing by the Local Planning Authority. The scheme of evaluation shall determine the character, extent and condition of any archaeological remains and provide an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks.

The development shall be carried out in full accordance with the approved programme of archaeological works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

5. 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.

6. The development shall not be commenced until details of the improvements to Woodyard Lane, to include proposals for the existing verge and trees along the eastern side of the carriageway , vehicular/pedestrian access to the site and improvements to the public right of way to the north of this, have been submitted to and agreed in writing with the Local Planning Authority.
- The loss of any street trees along Woodyard Lane shall be replaced at a ratio of 2:1.
- The access road shall then be constructed in full accordance with the approved details prior to the commencement of the development on site.
- Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.*
-
7. No development or site preparation works shall be carried out until details of an intrusive site investigation both coal mine entries and shallow cal mine workings, together with a remediation strategy shall be submitted to and agreed in writing with the Local Planning Authority.
- Thereafter the development shall be carried out in full accordance with the approved remediation strategy.
- To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.*
-
8. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be implemented in accordance with the approved details.
- Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.*
-
9. The development shall not be commenced until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be completed in accordance with the approved site levels.
- Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.*

10. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Assessment by Delta Simons dated January 2018 (ref 17-0043.01) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

11. Prior to the commencement of above ground development, a sound insulation and ventilation scheme which has regard to the Noise assessment by M-EC dated January 2018 (reference 22791/01-18/5103) shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,

ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,

iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.



12. No above ground development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) External materials including windows, bricks, other finishes to walls and tiles;
- b) Hard surfacing of all external areas;
- c) Boundary treatment and enclosures to the site and individual plot boundaries;
- d) Bin storage, including any associated enclosure.

The development shall be completed in accordance with the approved details.

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.

13. No above ground development shall be commenced until, an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

14. No above ground development shall be commenced until an ecological enhancement and management plan, which has regard to the ecological appraisal produced by Tyler Grange dated 11th January, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- The production and approval of a mitigation and enhancement strategy to include a Construction Environmental Management Plan and Landscape and Ecological Management Plan;
- Retention of trees on site that have been assessed as having a low bat potential. If these are to be removed as part of the reserved matters scheme, an appropriate bat roosting assessment should be made;
- Retention of boundary vegetation features to all boundaries for commuting bats, which should not be lit, and for potential badger commuting areas;
- The inclusion of bat friendly lighting throughout;
- A bat and bird box scheme;
- Update of the badger survey and ecological assessment/ protected species scoping report;
- Hedgehog friendly fencing throughout the scheme;
- Details of landscaping and management for retained and newly created grasslands, meadows and buffers, including a specification for the attenuation pond;
- Timber from felled trees to be left on site to create deadwood piles for invertebrates, small mammals and amphibians;
- Timescales for the implementation of ecological enhancements.

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 17 of the Aligned Core Strategy and Policy NE3 of the Nottingham Local Plan.



15. No above ground development shall take place until details of a renewable energy scheme, which has regard to the energy statement written by PBA (Project Ref: 42470) dated January 2018, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the renewable/low carbon energy scheme shall be implemented prior to first occupation of each dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development and in accordance with Policy 1 of the Aligned Core Strategy.

16. No dwelling shall be occupied until details of the public open space, including its design and the timescale for its installation, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the public open space shall be constructed in accordance with the approved details and timescale, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the providing an attractive community facility and an appropriate level of public open space within the development in accordance with Policies 10 and 16 of the Aligned Core Strategy and Policies ST1 and R2 of the Nottingham Local Plan.

Pre-occupation conditions

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

17. Prior to first occupation of each dwelling, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

18. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and 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: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.



19. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

20. The dwellings shall not be occupied until the following have been carried out in accordance with the details that have first been submitted to and approved in writing by the Local Planning Authority:-

a) the installation of the means of enclosure for the property;

b) laying of the hard surfaced areas for the properties;

c) installation of the bin storage area for the properties.

Reason: To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

21. Prior to the first occupation of the development a timescale for the installation of the roads, pavements and footpaths shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter their installation shall be carried out in accordance with the approved timescales.

Reason: To ensure a high quality development in accordance with Policy 14 of the Aligned Core Strategy.

22. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

23. In this condition "retained tree" means an existing TPO tree or mature tree which are to be retained in accordance with the submitted indicative master plan; and paragraphs (a) and (b) below:

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.



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(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

Reason: To ensure that existing TPO and other trees are safeguarded during construction in accordance with Policies NE5 and NE6 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, 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 17 January 2018.

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. The archaeological field evaluation should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be written in response to a brief to be issued by the City Archaeologist.

4. Contaminated Land, Ground Gas & Groundwater
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- i) 'Cut and fill' operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.



Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

5. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

6. A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

7. Highways;

1) 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. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2) 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 and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

3) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority.

Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. 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.

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 Nottingham City Council's current highway design guidance and specification for roadworks. 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. 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. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

5) The Highway Authority 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. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

6) For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

7) For PROW advice please consult with John Lee john.lee@nottinghamcity.gov.uk

8) Please contact Robert Smith 0115 8763604 robert.smith3@nottinghamcity.gov.uk to discuss sustainable transport, and the Travel Plan Statement and measures.

9. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

8. Conditions 2 and 18 are 'reserved matters' as defined in the Town & Country Planning (General Development Procedure) Order 1995.

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: 18/00060/POUT (PP-06640871)

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.

BRIEFING NOTE

THE VACANT BUILDING CREDIT AND APPLICATION TO AFFORDABLE HOUSING PROVISION

This briefing note is being circulated to advise members of the Planning Committee ahead of its June meeting regarding the Vacant Building Credit (VBC). An outline planning application for residential development on the former Siemens employment site, Woodyard Lane, Wollaton (planning ref: 18/00060/POUT) is to be reported to this meeting for determination. The applicant, the Nottinghamshire County Council Pension Fund, is requesting the use of the VBC to offset affordable housing obligations.

In May 2016 amendments to the National Planning Practice Guidance (NPPG) on Planning Obligations reintroduced changes to the way that affordable housing contributions can be sought from development.

The NPPG sits alongside the National Planning Policy Framework and Development Plan as the overarching guidance in the determination of planning applications.

What is the Vacant Building Credit?

The NPPG (2016) reintroduced the Vacant Building Credit (VBC). As national policy the VBC aims to provide an incentive for the regeneration of brownfield sites containing vacant buildings. The NPPG states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered the VBC when a Local Planning Authority (LPA) calculates its affordable housing contribution. Affordable housing contributions may be required for any increase in floorspace.

VBC has the effect of reducing the amount of affordable housing ordinarily required.

What is the process for determining the vacant building credit?

The NPPG states that where there is an overall increase in floorspace in the proposed development, LPA's should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied, which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This would apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

The VBC applies where a building has not been abandoned. In considering how the vacant building credit should apply to a particular development, the NPPG states that LPA's should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

18/00060/POUT- Former Siemens Site, Woodyard Lane

An outline planning application was received in January 2016 for the redevelopment of this employment site for residential purposes. The illustrative master plan shows a development of 110 dwellings consisting of largely family housing with a small apartment building. The site is allocated for development in the emerging Land and Planning Policies Development Plan Document (LAPP), September 2017, reference "PA35Woodyard Lane - Siemens" for family housing.

The applicant had sought pre-application advice and at the time made the Council aware of Siemens intention to vacate the site.

As part of the planning submission evidence has been received from the applicant's solicitors that confirm that in June 2017 Siemens served notice of their intention vacate the site and relocate to smaller premises at the end of a six month period. The applicant did not take steps to terminate the lease and as such, the buildings were not "made vacant for the sole purposes of redevelopment". The site does not benefit from "an extant or recently expired planning permissions for the same or substantially the same development". Siemens subsequently vacated the site in December 2017 for new premises within the city boundaries. This was prior to the submission of the current outline planning application under consideration.

It is considered that its redevelopment as proposed would meet the tests for the application of VBC.

The Gross Internal Area Floorspace (GIA) on the site has been determined to be 5.280sqm.

As financial contributions for affordable housing are calculated by reference to a policy based formula reliant on details to be covered in reserved matters it is not possible to give a precise indication of what the final affordable housing provision would be at this stage. The formula by which the VBC would be calculated has also been agreed.

The applicant however, has provided a calculation based on the illustrative masterplan. Using an average of 100sqm of floorspace per dwelling, they have calculated that the proposed 110 dwellings would amount to approximately 11,000sqm of development. Without VBC, the site would be required to provide 22 affordable housing units however, using the VBC calculation they consider that the development should provide 11.4 affordable housing units. This would be rounded up to 12 dwellings as part houses could not be provided.

The application of the VBC would in in line with national policy but members are advised that this would result in a 50% reduction of affordable housing provision on the site.