



## Planning Report for 2019/0374

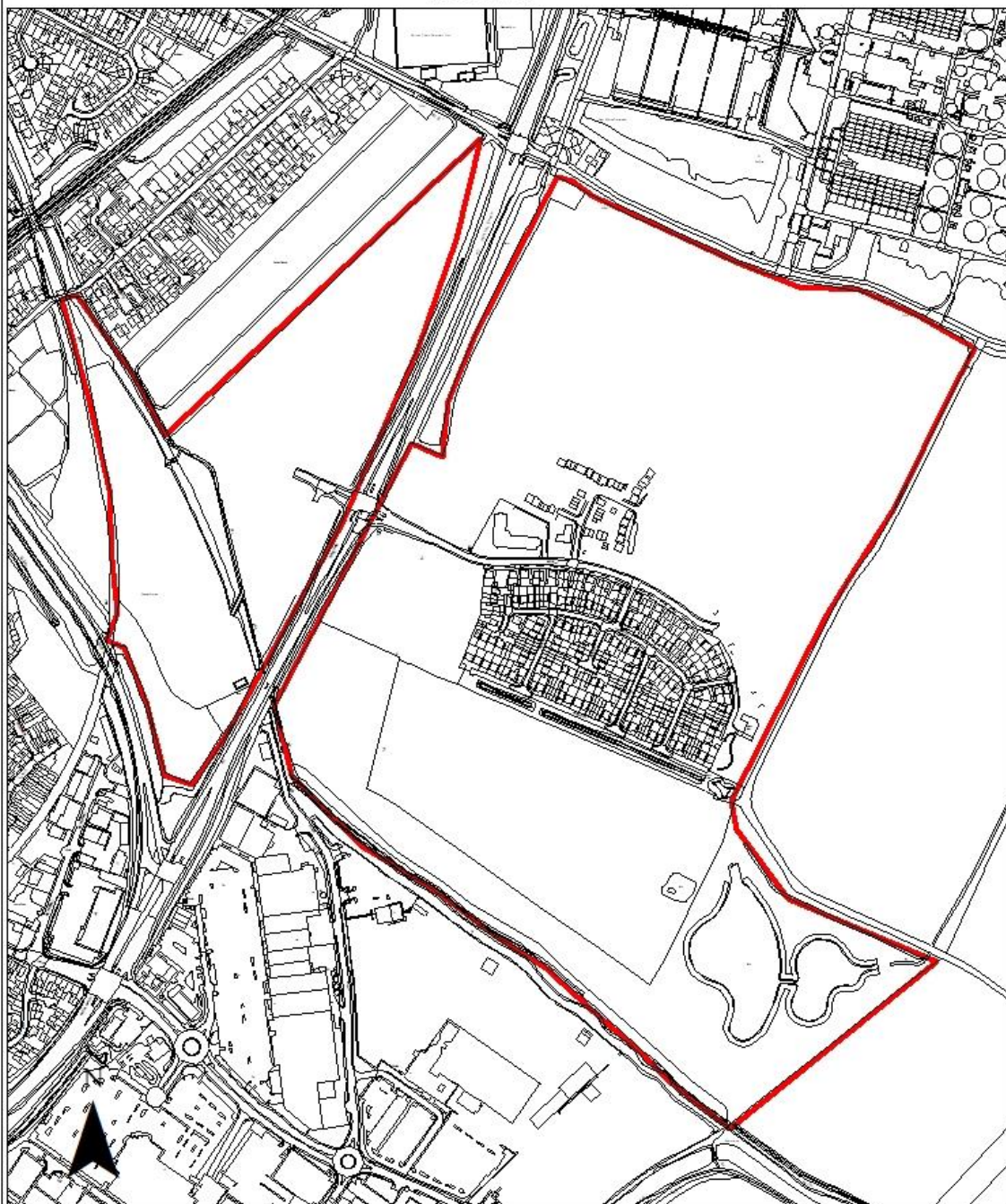
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Planning Reference:

2019/0374

Land Off Teal Close

Netherfield



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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**Report to Planning Committee**

<b>Application Number:</b>	<b>2019/0374</b>
<b>Location:</b>	<b>Land Off Teal Close Netherfield Nottinghamshire</b>
<b>Proposal:</b>	<b>Variation of Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999</b>
<b>Applicant:</b>	<b>c/o Agent</b>
<b>Agent:</b>	<b>Chris Gowlett/Grace Clarkson</b>
<b>Case Officer:</b>	<b>Kevin Cartwright</b>

**This application has been referred to the Planning Committee as the application requires an amendment to the Section 106 agreement.**

**1.0 Site Description**

- 1.1 The site is the Teal Close development site which has outline planning permission reference 2013/0546 as varied by planning permission 2017/0999 for residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Various approvals have been granted pursuant to this permission. The full planning history is detailed below.
- 1.2 To date approximately 200 dwellings, and a care home have been completed and work has commenced on a significant number of other dwellings and on a number of the commercial units.
- 1.3 It is approximately 26 hectares in overall site area split into two parcels of land which straddle the Colwick Loop Road.

**2.0 Relevant Planning History**

2013/0546 - Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing

facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures approved and is subject to a S106 agreement. Approved 30<sup>th</sup> June 2014.

2017/0999 - Variation of Conditions 32, 33 & 35 and removal of Condition 34 attached to outline planning application No. 2013/0546 comprising residential development (up to 830 units), employment uses (use classes B1, B2, B8) a community hub (use classes A1-A5 and D1) primary school, hotel (use class C1), care home (use class C2) playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Approved 28<sup>th</sup> February 2018.

2017/0800 - Reserved Matters Application for the erection of 199 dwellings (C3), including 2017/0800 10 affordable units, and the associated infrastructure including landscaping, community uses/changing rooms (D2), playing pitches, a NEAP and public open space and an ecological park. Approved 2<sup>nd</sup> March 2018. 2018/0951 - Variation of conditions 32 (highway works), 33 (highway works) & 35 (footway/cycleway works) on outline planning permission reference 2017/0999 – Approved 2<sup>nd</sup> March 2018.

2017/1092 - Discharge of Conditions 3 (Phasing), 8 (Topographical), 25 (Geophysical), 28 (Main Site Access), 30, 31, 32, 33 & 35 of Outline Planning Approval: 2017/0999. Approved.

2018/1189NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999. – Approved

2019/0060NMA - Non Material Amendment to reserved matters approval 2017/0800 - mid-terraced Yarm house type replaced with Bickleigh house type and end terrace Bickleigh house type replaced with Yarm house type, changes to feature plots and amendments to road layouts – Approved

2019/0208NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999 – Pending

2019/0131 - Reserved matters application for the erection of a 1-form entry primary school with a 26 place nursery with associated external play areas, car parking and associated landscaping and infrastructure pursuant to outline planning permission 2017/0999 – Approved 8<sup>th</sup> April 2020.

2019/0529 - Formation of access and enabling works including drainage and earthworks in relation to the local centre and employment uses – Granted Permission 18th September 2019.

2019/0613 - Approval of reserved matters in relation to access, appearance, landscaping, layout and scale of the Local Centre comprising of Public House, Commercial/Retail Terrace and Children's Day Nursery pursuant to outline planning permission 2017/0999- Approved 21<sup>st</sup> May 2021.

2019/0614 - Approval of reserved matters in relation to appearance, landscaping, layout and scale of the trade park and unit 1 of the employment area pursuant to outline planning permission 2017/0999 – Granted Planning Permission 8th November 2019.

2019/0615 - Approval of reserved matters in relation to appearance, landscaping, layout and scale for the development of the employment area (6no. employment units) pursuant to outline planning permission 2017/0999 – Granted Planning Permission 24<sup>th</sup> June 2021.

2019/1191 – Erection of a three Storey Sixty Six Bedroom Residential Care Home for Older People (Use Class C2) with associated access, parking and landscaping. Granted Planning Permission 11<sup>th</sup> March 2020.

2019/0152 - Reserved matters application for the erection of 353no. dwellings (C3), including 18 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 2) – Approved 22<sup>nd</sup> June 2020.

2019/0560 - Reserved matters application for the erection of 277no. dwellings (C3), including 13 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 3) – Pending.

2020/1292 - Erection of a retail store (Class E) with associated car parking, landscaping and other infrastructure. Granted Planning Permission on 21<sup>st</sup> May 2021.

### **3.0 Proposed Development**

3.1 The application is made under Section 73 of The Town and Country Planning Act and seeks to vary Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) of outline planning permission reference 2017/0999.

3.2 The affected conditions are listed below as currently worded and with the proposed revised wording:

Condition 2

Current Wording

The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

## Proposed Wording

The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014 Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing number: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

## Condition 7

### Current Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.

### Proposed Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D

## Condition 10

### Current Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.

### Proposed Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set

finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.

## Condition 28

### Current Wording

Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

### Proposed Wording

Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented prior to the occupation of the first dwelling.

## Condition 30

### Current Wording

Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

### Proposed Wording

Condition Deleted.

## Condition 31

#### Current Wording

Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.

#### Proposed Wording

Condition Deleted.

#### Condition 32

#### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90371/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to the occupation of the 325th dwelling of the development hereby approved.

#### Proposed Wording

Condition Deleted

#### Condition 33

#### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to the occupation of the 175th dwelling of the development hereby approved.

#### Proposed Wording

Condition Deleted.

#### Condition 35

#### Current Wording



Prior to the first occupation of the development hereby approved details of a new shared footway/cycleway to be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to the occupation of the 30th dwelling of the development hereby approved.

#### Proposed Wording

The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in general accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.

#### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Local Lead Flood Authority – No objection to the variation of the wording of Condition 10.
- 4.2 Environment Agency – The Environment Agency agrees with the changes on condition 10.
- 4.3 Nottinghamshire County Council Highway Authority –.

Variation of Conditions 2 (approved plans)-the Secondary access to the west to be removed is acceptable.

Condition10 (flood risk) - Not a highway matter

Condition 28 (highway works) - Access works from Stoke Lane have been implemented.

Condition 30 (highway works) - Order and works for this moving traffic order have been completed

Condition 31 (highway works) - Traffic Regulation Order along Stoke Lane has been amended.

Condition 32 (highway works)- Whilst we would still question the severity of impact that the Teal Close development has on the Lowdham Roundabout approaches, it appears that the junction was assessed and works that were proposed on the Southwell Road approach only were agreed therefore we can confirm that a contribution of £64, 932.75 is to be paid towards improvements at Lowdham Roundabout agreed on Plan reference A109430 TTE 00 XX DR O 00003 P01 as the indicative works that are to be provided by others. The contribution is to be paid prior to the occupation of the 325<sup>th</sup> dwelling or by 31<sup>st</sup> March 2024, whichever is the soonest, to implement the construction works and provide mitigation associated with the approved development

Condition 33 (highway works)-It is considered that mitigation measures are to be provided at A612 Mile End Road/Colwick Loop Road junction to control the



traffic impact on the junction by providing a contribution of £150,000 towards cycleway/footway works as indicated on the Drawing A612 Cycle Route to be provided by others. This is to encourage modal shift and remove traffic off the network and provide sustainable facilities for cyclists/pedestrians. The contribution is to be paid prior to the occupation of the 175th, to implement the construction works and provide mitigation associated with the approved development

Condition 35 (footway/cycleway) - With reference to the footway/cycleway variation on Stoke Lane Drawing reference C005 showing just footway for part of its length is acceptable

4.4 Stoke Bardolph Parish Council – No comments received.

4.7 Members of the Public

A press notice was published, three site notices were displayed and neighbour notification letters posted. 2no. objection have been received.

A summary of the main concerns are listed below:

-There is only one access route in via Magenta Way. There should be a second access for the commercial traffic.

-I challenge the plan to change the application (one of the access routes) to an emergency access only. Without a second road traffic past my address on Magenta Way will be much greater.

## **5.0 Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

## **6.0 Development Plan Policies**

6.1 National Planning Policy Framework (NPPF) 2021

Section 2 – Achieving sustainable development - Para 11 – presumption in favour of sustainable development

Section 4 – Decision-making - Paragraph 47 of the NPPF states that planning law requires applications for planning permission be determined in accordance with the Development Plan, unless materials considerations indicate otherwise.

Section 6 – Building a Strong, competitive economy - Paragraph 81 states planning decisions should help create conditions in which businesses can invest, expand and adapt.

Section 7 – Ensuring the vitality of town centres - The proposal is for a new main town centre use and should be subject to the sequential test. It is noted that the applicant has submitted a sequential test assessment.

Section 8 – Promoting healthy and safe communities. Paragraph 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places. Paragraph 134 states that permission should be refused for development of poor design.

Section 14 – Meeting the challenge of climate change, flooding and coastal change - Paragraph 166 - states a site specific flood risk assessment is required. The applicant has submitted a flood risk assessment.

Section 15 – Conserving and enhancing the natural environment - Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment.

## 6.2 Gedling Borough Aligned Core Strategy (ACS) (2014)

Policy A – Presumption in Favour of Sustainable Development

Policy 1: Climate Change - Parts 1, 2 and 3 set out sustainability criteria.

Part 6 deals with flood risk.

Policy 10: Design and Enhancing Local Identity - General design criteria

Policy 12: Local Services and Healthy Lifestyles – Part 1) New, extended or improved community facilities will be supported where they meet a local need. In particular, where there is an evidenced need, new or improved community facilities should be provided to support major new residential development (especially in Sustainable Urban Extensions).

Part 2) criteria b) requires facilities to be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility.

Appendix A – Strategic Site Schedules and Plans – Identifies Teal Close as a sustainable urban extension including a Local Centre up to 2,800m<sup>2</sup> of A1-A5 and D1.

### 6.3 Gedling Borough Local Planning Document (LPD) (2018)

LPD 3 – Managing Flood Risk

LPD 4 – Surface Water Management – sets out the approach to surface water management.

LPD 7 – Contaminated Land - sets out the approach to land that is potentially contaminated.

LPD 10 – Pollution – sets out the criteria that a development will need to meet with respect of pollution

LPD 11 - Air Quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 32 – Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 57 – Parking Standards – Planning Permission will be granted for residential development where proposals meet the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.

LPD 61 – Highway Safety – Planning Permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of people.

### 7.0 Planning Considerations

- 7.1 The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 (the 'Act') is to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment where there are relevant conditions that can be varied. This is the case with this application. The relevant conditions are Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999.
- 7.2 The effect of granting planning permission would be issue a new permission incorporating the amendments to the wording of the affected conditions, together with any other relevant conditions from the original permission.

- 7.3 Section 73(2) of the Act is very clear that: “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted...”. In other words the local planning authority cannot revisit the principle of development, or those issues which are not covered by the conditions, and only minor material changes can be considered.

#### Evaluation

- 7.4 Condition 2

##### Current Wording

The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

##### Proposed Wording

The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014 Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

- 7.5 The proposed changes to condition 2 would result in the removal of the secondary access road to phase 3. The A612 site access via the signal controlled junction, which has been constructed, would on its own provide a suitable access to the site and would be able to accommodate the traffic flows generated by the residential development. As such the proposed amendments would have no significant adverse impact on traffic safety. This is confirmed by the comments of the Highway Authority who have not raised any objection to the rewording of this condition.

- 7.6 Condition 7

##### Current Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.

##### Proposed Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D

- 7.7 The proposed changes to the wording of condition 7 are simply to update the parameters plan to the correct revision in relation to the removal of the secondary vehicular access route the subject of amended condition 2 above.

- 7.8 Condition 10

#### Current Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.

#### Proposed Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.

- 7.9 The proposed changes to the wording of condition 10 would consolidate the various details and changes that have been approved by planning reference 2018/1189 in respect of non-material amendments. These relate to flood risk matters and more specifically finished floor levels and access road levels. The reworded condition has been considered by both the Environment Agency and the Local Lead Flood Authority who have not raised any objection to the changes. I have no reason to come to a different conclusion.

## 7.10 Condition 28

### Current Wording

Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

### Proposed Wording

Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented.

- 7.11 The revised wording of condition 28 is simply to incorporate the discharge of conditions details that have been approved since the original grant of planning permission in relation to the primary access road from the A612 and removes reference to the secondary access to the phase 3 land as discussed at para 7.4 and 7.5 above. The Highway Authority has confirmed that the works in relation to the primary access have been undertaken and there is no requirement for the secondary access. As such the reworded condition is considered acceptable.

## 7.12 Condition 30

### Current Wording

Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

### Proposed Wording

Condition Deleted.

7.13 It is proposed that this condition be deleted. The Traffic Regulation Order has been implemented as such the condition is no longer necessary. This is confirmed by the comments of the Highway Authority.

7.14 Condition 31

Current Wording

Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.

Proposed Wording

Condition Deleted.

7.15 The requirements of Condition 31 have been met. The Traffic Regulation Order and signage are in place. As such this condition is no longer necessary and can be deleted. This is confirmed by the comments of the Highway Authority.

7.16 Condition 32

Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90371/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to the occupation of the 325th dwelling of the development hereby approved.

Proposed Wording

Condition deleted.

7.18 The Highway Authority has had a comprehensive dialogue with the applicant's agent in relation to the proposed changes, including consideration of the comprehensive Transport Statement submitted in support of the application. It has been demonstrated that the impact on this junction as a result of the proposed development is less than originally assessed. As an alternative to the originally approved highway improvement works it is the Highway Authority preference that a financial sum of £64, 932.75 is secured which can



then contribute towards the larger planned improvements to this roundabout which are required to mitigate the impacts of this development.

#### 7.19 Condition 33

##### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to the occupation of the 175th dwelling of the development hereby approved.

##### Proposed Wording

Condition Deleted.

- 7.20 Condition 33 relates to off-site highway works at Mile End Road/Colwick Loop Road Traffic signals. Additional traffic survey work and modelling indicates that the impact on this junction is again less than modelled originally. Additionally, since the determination of the original application the Highway Authority has developed plans to improve this junction by the introduction of a pedestrian/cycle way. As such it is considered appropriate for the developer to contribute £150,000 to these new improvements as an alternative to that previously approved. The improvements would promote a modal shift away from the motor vehicle which would in turn mitigate the impact of the development on the road network.

#### 7.21 Condition 35

##### Current Wording

Prior to the first occupation of the development hereby approved details of a new shared footway/cycleway to be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to the occupation of the 30th dwelling of the development hereby approved.

##### Proposed Wording

The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.

- 7.22 Condition 35 relates to the provision of footway/cycleway provision along Stoke Lane. It is accepted that a footpath link from the Stoke Lane junction that serves the employment units back westwards to the exiting footway along the A612 is necessary. However the footway extending eastwards along

Stoke Lane is not necessary as it does not connect to any existing footway. As such the revised arrangements are considered acceptable. This is confirmed by the comments of the Highway Authority.

#### Planning obligations

7.23 A section 73 application, if granted, would be a standalone permission and, therefore, to secure the contributions granted with the original permission and any additional contributions required as a result of the amendments to the conditions there is a need for a deed of variation to the original section 106 Legal Agreement.

7.24 The following planning obligations in the form of financial contributions are required in addition to those of the original section 106 agreement:

£64,932.75 is to be secured towards improvements at Lowdham Roundabout

£150,000 towards cycleway/footway works at A612 Mile End Road/Colwick Loop Road junction.

7.25 The above obligations would need to be secured by way of planning obligations to the Borough, City and County Councils as per the legal agreement associated with planning permission 2017/0999 which the application seeks to amend.

7.26 It is considered that the above obligations meet with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010 (as amended) to mitigate the impact of the development as a result of the deletion of conditions 32 and 33.

#### Other Matters

7.27 The comments received from neighbouring residents are noted. The principle of a single access point to serve phase 1 and 2 of the development e.g. Magenta Way is established by the grant of outline permission 2013/0546 as varied by 2017/0999. Any alterations to this access is not the subject of this Section 73 application.

7.28 The commercial elements of the scheme are served from a separate access from Stoke Lane. As such there should be a minimal number of commercial vehicles using Magenta Way once the development is completed.

7.29 It is considered that the removal of the secondary access to phase 3 would increase vehicle movements travelling westwards along the single remaining access into phase 3. However it is my considered opinion that it would be unlikely to increase the number of vehicles travelling eastwards along Magenta Way associated with phases 1 and 2.

7.30 With the application being made under S73 of the Town and Country Planning Act 1990 (as amended) the Council are able to update the list of approved

drawings as were originally outlined in relation to each condition as set out in para 3.2.

- 7.31 Typically this would be the only conditions that would be altered. However, noting the list of discharge of condition and non-material amendment applications that have been approved in connection with the development, as outlined in Section 2 of this report, a number of other conditions would also need to be updated to reflect details previously approved. These revised conditions are set out in the conditions section below.

## **8.0 Conclusion**

- 8.1 **In the opinion of the Borough Council the proposed development would be visually acceptable in the streetscene and in keeping with the character of the property and the area. The proposal would not result in a significant undue impact on the amenity of neighbouring properties, is acceptable in highway terms and would not have any adverse impact in relation to flood risk. Therefore the proposed development would be in accordance with the guidance contained within the NPPF (2021) Sections 2,4,6,7,8,9,12,14,and 15, Section A, 1,6,10 and 12 of the ACS (2014) LPD 3, LPD4, LPD 7, LPD10, LPD11, LPD32, LPD35, LPD 57 & LPD61 of the Local Planning Document (2018).**

## **9.0 RECOMMENDATION:-**

**That the application be granted permission subject to the applicant entering into a deed of variation amending the original Section 106 Agreement dated 30 June 2014 as varied by the deed of variation dated 27<sup>th</sup> February 2018 with the Borough Council as Local Planning Authority, City Council as transport authority and with the County Council as highways and education Authority to bind the new permission to all of the requirements of the original section 106 agreement as varied and to include additional planning obligations in the form of financial contributions in relation to the revised off-site highway works as detailed in paragraph 7.24. and subject to the following conditions:**

### **Conditions**

- 1 Application for the approval of reserved matters shall be made to the Local planning Authority not later than 30th June 2019. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from the date of approval of the last reserved matters to be approved.
- 2 The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014

Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

- 3 The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule as approved by planning reference 2017/1092DOC and 2018/0333DOC prior to the commencement of a particular phase.
- 4 The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3 'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeaway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 'Non-residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.
- 5 The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres. The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
- 6 The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).
- 7 Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D.
- 8 Phase 1 of the development shall be read in accordance with the levels details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Phase 2 Residential elements of the development shall be undertaken in accordance with the levels details as approved by planning 2020/0562DOC.

Phase 2 employment elements of the development shall be undertaken in accordance with the levels details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any remaining phase of development hereby approved a site level survey plan shall be undertaken for that phase of

development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.

- 9 Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
- 10 Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.
- 11 The development within the employment land shall be undertaken in accordance with the flood resilience design measures as approved by planning reference 2020/0306DOC.  
  
Prior to the commencement of any other phase of development hereby approved relating to less vulnerable uses a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
- 12 Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions', a Verification Report confirming the finished base slab and wearing course levels of that building(s) and the finished levels of internal road(s) serving that building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details..
- 13 The development within phase 1 shall be undertaken in accordance with the easement details approved by planning reference 2017/1092DOC and 2018/0333DOC.

The development within phase 2 shall be undertaken in accordance with the easement details approved by planning reference 2020/0562DOC.

Prior to the commencement of any remaining relevant phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.

- 14 The development within the employment land shall be undertaken in accordance with the approved flood evacuation details as approved by planning reference 2020/0306DOC.

Prior to the commencement of any other relevant phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.

- 15 No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.

- 16 Development within Phase 1 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Development within the employment land shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0306DOC.

Development within Phase 2 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved, a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided

prior to discharge from the site, in accordance with CIRIA C697; (4) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (5) Responsibility for the future maintenance of drainage features.

- 17 Phase 1 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2018/0332DOC.

The development within the employment land shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.

- 18 The development within Phase 1 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2018/0719DOC.

The development within the employment land shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0306DOC.

The development within Phase 2 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.



- 19 Phase 1 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2018/0332DOC.

Development of the employment land shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0562DOC.

Prior to the occupation of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.

- 21 The development within Phase 1 shall be undertaken in accordance with the construction lighting details as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the construction lighting details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any other phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.

- 22 The development of employment units 1 and units 6-13 shall be undertaken in accordance with the operational lighting details approved by planning reference 2021/0511DOC.

Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The lighting of the development during its operational phase shall be carried out in accordance with the details approved.

- 23 If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.

- 24 The development within Phase 1 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0306DOC.

The development within Phase 2 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction. (4) details of traffic routes for Heavy Good

Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.

- 25 Phase 1 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2017/1092DOC.

The development within the employment land areas E1 and LC1 shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2019/0567DOC.

Phase 2 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s).

- 26 Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.

- 27 Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.

- 28 Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented prior to the occupation of the first dwelling

- 29 Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first

submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.

- 30 Deleted.
- 31 Deleted.
- 32 Deleted.
- 33 Deleted.
- 34 Deleted.
- 35 The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in general accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.
- 36 The development within Phase 1 shall be undertaken in accordance with local labour agreement as approved by planning reference 2018/0332DOC. The development within the employment land shall be undertaken in accordance with local labour agreement as approved by planning reference 2020/1121DOC.

The development within Phase 2 shall be undertaken in accordance with the local labour agreement as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt
- 3 To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
- 4 To define the consent and to ensure that a satisfactory form of development is obtained.

- 5 A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
- 6 A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed development and would not cause harm to viability of the nearby Netherfield Centre.
- 7 To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
- 8 To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
- 9 To reduce the risk of flooding to the proposed development and future occupants.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To reduce the impact of flooding to the proposed development.
- 12 To ensure that finished floor levels accord with conditions 9 and 10 above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
- 13 To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse Dyke, which will require further investigation at detailed design stage.
- 14 To confirm that all occupants and site users can access and egress the site safely during time of flood.
- 15 To prevent an increase in flood risk elsewhere.
- 16 To prevent the increased risk of flooding elsewhere.
- 17 To ensure that the proposals are appropriate and protective of controlled waters.
- 18 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
- 19 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This

condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.

- 20 This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.
- 21 To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
- 22 To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats
- 23 To ensure that the demolition of the sports pavilion has no adverse impact upon bats
- 24 To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
- 25 To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
- 26 To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports facilities and ensure continuity for those sports affected by the proposed development.
- 27 To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approve
- 28 In the interests of highway safety.
- 29 In the interests of highway safety.
- 30 Deleted
- 31 Deleted
- 32 Deleted
- 33 Deleted
- 34 Deleted
- 35 To promote sustainable travel.
- 36 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.

## Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that the Use Classes Order was amended on 1<sup>st</sup> September 2020. As such any use classes reference in this permission shall be read in conjunction with the revised legislation in relation to any future changes of use.