

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

N C V Garage, Hucknall Road

1 SUMMARY

Application No: 14/01791/PFUL3 for planning permission

Application by: DSP Architects on behalf of Aldi Stores Ltd. And NCV Properties Ltd

Proposal: New food retail store with associated car parking, servicing and landscaping following demolition of existing building.

The application is brought to Committee because it is a major planning application that has generated significant local interest.

To meet the Council's Performance Targets this application should be determined by 28th October 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

3.1 This application site is currently a vehicle sales and repair garage, located on the west side of Hucknall Road immediately south of Bulwell Forest Park. On the site's western sides are residential properties on Edwalton Court, St Albans Road and Marvyn Close. To the east across Hucknall Road are more houses and Gala Bingo. The building is currently located towards the front of the site with vehicle access to each side and substantial parking areas at the rear.

4 DETAILS OF THE PROPOSAL

4.1 The proposal is for the construction of a foodstore of 1,782 square metres. The single storey building would be located adjacent to the western boundary at the rear of the site, separated from Hucknall Road by landscaping and parking spaces. Disabled, family and cycle spaces would be located adjacent to the building entrance, with a total of 120 parking spaces provided.

4.2 The proposed building would have a low pitched roof and the elevation to Hucknall Road and would contain the store entrance and some full height glazing. The remaining elevations would comprise silver, grey and terracotta wall and rainscreen

cladding with open glazing adjacent to the tills in the south elevation. The standing seam roof would extend over the front of the building with a metal and glazing canopy above the entrance.

- 4.3 Vehicular access would be from Hucknall Road following the formation of a new right turning lane. Pedestrian access would be from Hucknall Road on the site's southern boundary and from Bulwell Forest Park to the northeast. The Hucknall Road and park boundaries would be low metal railings. The boundaries with residential properties would be two meter high close board timber fencing, with the northern boundary (closest to the delivery bay) being acoustic fencing. Additional landscaping is proposed, primarily around the edges of the site, plus new trees within the parking areas.
- 4.5 Employment opportunities would be created during both the construction and operational phases of the development. The applicants have committed to working with the council's employment hub to deliver opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

38 notification letters were sent to neighbouring occupiers at 227 to 235 odds Andover Road; 1 to 15 odds Edwalton Court; 297 to 309 odds and Cherubs Day Nursery, St Albans Road; 9 to 15 Marvyn Close; NCV Garage units; 2 Southglade Road; 29 to 33 odds Sunningdale Road.

45 cards and emails have been received supporting the proposal. The vast majority of these are hand written comments on cards that were supplied to residents by the applicant. The reasons for supporting the new proposal are:

- The store would provide quality foods at affordable prices.
- The store would be convenient for the local community and provide local people with more shopping choice.
- The store would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores.
- The store would increase shopping competition in the area.
- The proposal would improve the site's appearance.
- The development would create employment opportunities for local people.

Two letters received raising concerns about traffic problems and congestion. The new store would add to traffic levels and add to existing problems for right-turning vehicles at the Kersall Drive junction and that a mini roundabout or traffic lights are needed at the Kersall Drive junction.

One letter received expressing concern that the open car park will allow burglars easy access to houses neighbouring the site and that the proposed 2m high fencing would be too easy to climb.

Additional consultation letters sent to:

Pollution Control: Recommend conditions regarding soil and gas contamination and to ensure that noise from plant and equipment does not cause noise nuisance

to local residents.

Highways: No objection subject to conditions regarding construction management plan, details of drainage, off-site highway works and a travel plan.

Biodiversity: Support pedestrian access from park; ecological assessment and bat surveys are appropriate; recommended increased use of native species in the landscaping scheme, which have now been incorporated into the landscaping scheme.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as integration and connectivity.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CLG Planning for Town Centres Practice Guide on Need, Impact and the Sequential Approach (2009)

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities.

S5 – New Retail Development, on the Edge of or Outside Existing Centres.

NE9 - Pollution.

T3 - Car, Cycle and Servicing Parking.

R1 - Development Of Open Space

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Sustainability and economic considerations
- ii) Retail policy analysis
- iii) Highway impact
- iv) Urban design considerations
- v) Residential amenity issues

i) Sustainability and economic considerations (Aligned Core Strategy Policy A, Policy 4 and Local Plan Policy ST1, NPPF)

- 7.1 The site is an unallocated site within the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.
- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.
- 7.3 The site falls within a generally residential area where a reasonable amount of custom is likely to come from residents living in the nearby areas. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. Although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development. In principle, the scheme substantially complies with Aligned Core Strategy, Policy A, Policy 4 and Local Plan Policy ST1.

ii) Retail Policy Analysis (Aligned Core Strategy Policy 4 and Local Plan Policy S5, NPPF and CLG Town Centres Practice Guide)

- 7.4 Policy S5 states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres. This sequential site approach is a key requirement of national planning policy as it aims to prioritise in-centre sites before out-of-centre sites are considered. Sequential site assessment is a key component of the former PPS4 and this is continued within the National Planning Policy Framework. The CLG Planning for Town Centres Practice Guide provides detailed guidance on carrying out and assessing retail assessments. This approach is also continued in Policy 6 (Role of Town and Local Centres) of the Aligned Core Strategy.
- 7.5 The application site is located 600m from the Top Valley Way (Tesco) Centre of Neighbourhood Importance, and 1km from Bulwell Town Centre and is therefore an out-of-centre location when considering government guidance.
- 7.6 The applicant has carried out a retail assessment, which includes a sequential site assessment. This evaluates five sites in terms of their availability, suitability and viability for the development. Two sites are identified adjacent to Bulwell Town Centre (former New Crown site, Jennison Street and former care home on Coventry Road), one adjacent to Top Valley Way (Tesco) Centre of Neighbourhood Importance, (former public house), one adjacent to the Highbury Road Local Centre (former Henry Mellish School) and one is in the Bestwood park Drive Local Centre (former Kwik Save).
- 7.7 The submitted assessment concludes that there are no suitable alternative sites where the proposed development could be located. The Bulwell sites are identified as being unviable due to their proximity to the existing Aldi store on Sellers Wood Drive. The Henry Mellish site is identified for residential development and is too large for an Aldi food store. The site adjacent to Tesco is owned by Tesco and therefore unavailable. The Kwik Save site benefits from a residential planning permission and has a layout unsuitable for food store development.
- 7.8 Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard the other stated criteria, including the impact upon the vitality and viability of existing centres. The applicant's Retail Impact Assessment considers the potential impact of the new store on the vitality and viability of existing shopping centres within the catchment area. The submitted analysis demonstrates that the impact on existing centres would not be significantly adversely affected. In this regard, the scheme does not conflict with Policy S5.
- 7.9 Policy S5b requires that consideration be given to the extent to which the site is, or can be made, accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips. There are regular bus services on Hucknall Road - as well as St Albans Road - with bus stops nearby on both sides of the road. The scheme proposes cycle parking facilities and there are pedestrian crossing facilities to residential areas on the opposite side of Hucknall Road as well as an entrance from the park which would serve residential areas to the west. While it is anticipated that many customers would travel by car as is evidenced by the proposed number of parking spaces, people wishing to travel

by other means could have that option. In this regard, the proposal complies with Policy S5.

- 7.10 The submitted Planning Statement (July 2014) states that the existing car sales/garage business intends to remain in Nottingham, subject to a suitable site being secured (with all existing jobs retained). Whilst such employment would not fall within the context of Policy E4 'Regeneration of Previously Used Employment Sites and Employment Premises' given the Sui Generis use class, such relocation would be welcomed.

iii) Highway and Issues (Aligned Core Strategy Policies 1 and 10, Local Plan Policy T3, NPPF)

- 7.11 The site is located in an out-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. The out-of-centre location discourages shared trips to other in-centre shops and local facilities.
- 7.12 The site is, however, on and close to good bus route linking to the city centre, local residential areas and Bulwell, with bus stops close to the site. The site is within walking distance of substantial residential areas which are underprovided with a choice of food stores. It is likely that a relatively high proportion of visits to the site would come from passing vehicular customers who would be on the highway network using their cars in any case; it is generally accepted that such food stores do not create traffic which is 'new' to the highway network. Other visits would be from local residents who would walk or make reduced car trips due to the site being closer than stores they already use. On balance, it is considered that this is an acceptable location for such a store, and in accordance with Aligned Core Strategy Policies 1 and 10, Local Plan Policy T3, and the NPPF.
- 7.13 The scheme proposes dedicated pedestrian links to the store entrance from Hucknall Road and Bulwell Forest Park, which would separate pedestrian movements from cars. The vehicular access/egress has been reduced in width to aid pedestrian movement across it. Aisle widths have been reduced to facilitate pedestrian movement within the site. Cycle parking is provided for 30 cycles and 6 motorcycles, which is an appropriate level.
- 7.14 Staff, customer and servicing access to the car park would be provided by a new single entrance off Hucknall Road. There are no technical highway objections to this access arrangement, and no safety concerns have been raised with regard to highway capacity or congestion. A new ghost right turning lane is to be provided on Hucknall Road which would allow vehicles to queue to enter the site without blocking southbound traffic. In this respect, the scheme complies with Policies 10 and T3.
- 7.15 The issue of provision of traffic lights at the junction of Hucknall Road and Kersall Drive has previously been investigated and, owing to land constraints, as well as the impact which junction modifications would have on the overall Hucknall Road corridor at this location in terms of queuing and delay that it would be unfeasible to amend the junction from how it currently operates. In addition, given that the store would create little traffic new to the network, it would be unreasonable to expect Aldi to carry out these works.

iv) Urban Design Considerations (Aligned Core Strategy Policy 10 and NPPF)

- 7.17 Policy 10 requires, amongst other things, that the development will make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.18 The building is designed to the applicant's 'blade roof' model. It would have a pitched roof and be wall clad with glazing to the elevation facing Hucknall Road at the rear of the car park. Improvements to the layout have been negotiated, including improved pedestrian access through the car park, railings to the site boundaries and the use of native species in the landscaping scheme.
- 7.19 It would not be possible to site the building at the front of the site as this would not allow a suitable vehicle entrance and so most of the car parking is to the front of the building. The food store would therefore not be viewed particularly prominently in the street, particularly for those people travelling north along Hucknall Road as it would be set back behind the houses on the adjacent site. This approach is, on this occasion, appropriate as it allows views across the car park to Bulwell Forest Park. These views would be enhanced by tree planting within the car park and by the landscaping scheme which uses native species. The proposal is considered to comply with Policy 10.

v) Residential Amenity Issues (Aligned Core Strategy Policy 10 and Local Plan Policy NE9, NPPF)

- 7.20 The proposed building entrance, and therefore the main area of activity, is approximately 40 metres from the neighbouring block of flats on Marvyn Close. At this distance, it is not envisaged that the use would have any materially detrimental impact on occupiers of these properties. Properties to the north of the site would be 30 metres from the building and its associated loading bay and an acoustic fence is proposed at this boundary. Again, it is not expected that any noise nuisance would occur and conditions can be imposed in this regard.
- 7.21 Whilst the resident's concerns about security are appreciated, 2m high close board fences are generally considered to be a reasonable and secure garden boundary. Overall, then, the proposal complies with Aligned Core Strategy Policy 10 and Local Plan Policy NE9.

Other Matters

- 7.22 Concerns have been raised by residents on St Albans Road about current problems of flash flooding of their gardens from the garage site. The applicants have committed to resolving this issue through changes in site levels and their drainage strategy and this has been discussed with residents.
- 7.23 Aldi has agreed to provide and surface the footpath in the park which leads to the store. Although not a material planning consideration, discussions are ongoing between Aldi and Parks & Open Spaces regarding a contribution toward an interpretation panel at the park entrance.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Photovoltaic panels are proposed on the roof of the building. The retailer utilises a range of sustainable construction and energy reduction measures which are designed to reduce the company's carbon footprint and mitigate the impact of climate change. They have stated that they ensure that their buildings are efficiently designed to achieve an 'A Energy Performance Certificate' classification. They use energy efficient LED light fittings and run a building management system to reduce energy consumption during night time hours. The new stores are fitted with a heat reclamation system to take waste heat from refrigeration equipment to heat the store.
- 8.2 The applicant has stated that they use localised distribution centres to minimise the amount of road travel for delivery vehicles and these same vehicles are used to return waste. They also state that the company uses sophisticated systems to create efficient delivery routes and reduce fuel consumption through vehicle design and monitoring technology. Systems are in place to reduce packaging and food waste.
- 8.3 The package of measures would help to ensure that carbon emissions are significantly lower than conventionally heated, powered and insulated stores. The proposal complies with Aligned Core Strategy Policy 1.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

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: 14/01791/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9FAYALYCB000>

17 Published documents referred to in compiling this report

National Planning Policy Framework

Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach (CLG – 2009)

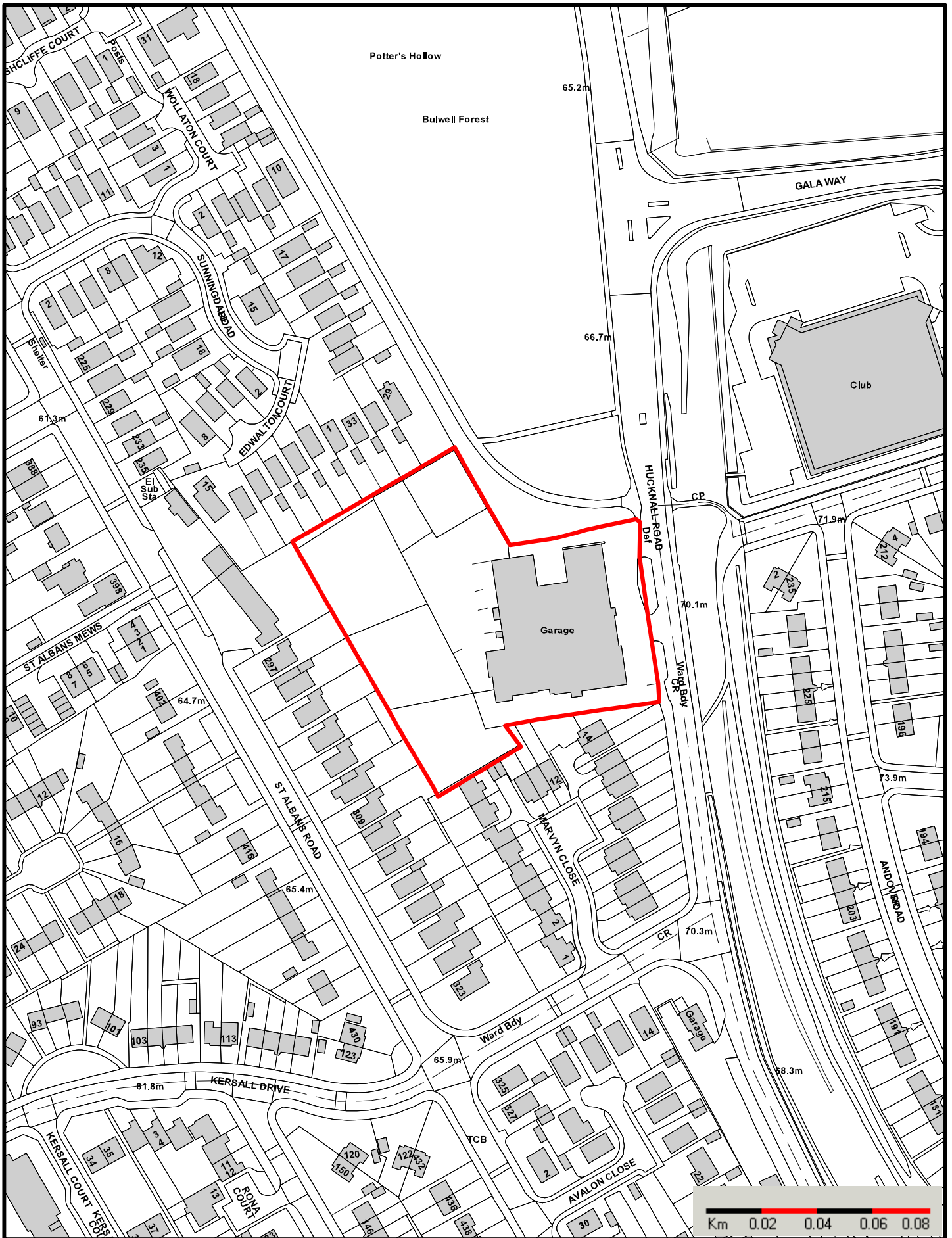
Aligned Core Strategy (2014)

Nottingham Local Plan (2005)

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

Application No: 14/01791/PFUL3 (PP-03556873)
Application by: Aldi Stores Ltd. And NCV Properties Ltd
Location: N C V Garage, Hucknall Road, Nottingham
Proposal: New food retail store with associated car parking, servicing and landscaping following demolition of existing building.

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 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. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
 - i) details of an investigation and assessment of the gaseous emissions on the site;
 - ii) proposals for ensuring the safe removal of gas;
 - iii) proposals for preventing the lateral migration of gas; and
 - iv) any other remedial measures shown in the assessment to be necessary.

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

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed, has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

4. The development shall not be commenced until a construction management plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

5. The development shall not commence until further details regarding the disposal of surface water have been submitted and approved in writing by the Local Planning Authority. As a minimum this shall include sizes of tanks, discharge rates, control devices, details of how the system will be maintained, and incorporate Sustainable Drainage methods where possible. The development shall not be carried out other than in accordance with the approved details.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

6. The development shall not be commenced until details of off-site highway works have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

Pre-occupation conditions

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

7. A landscaping and planting scheme shall be provided for the development. In particular;
- a) the store shall not be used until a detailed landscaping scheme for the car park and frontage indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation; and
 - c) 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 that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy

8. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

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

9. The store shall not be used until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

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

10. The store shall not be used until the car park hereby approved has been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

11. The store shall not be used until the off-site highway works have been carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

12. The store shall not be used until the new footpath within Bulwell Forest Park and a litter bin at the boundary between the site and the park have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of access to and the appearance of the adjoining public open space in accordance with Policy R1 of the Local Plan.

Regulatory/ongoing conditions

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

13. Noise from any plant installed within the development shall not exceed the following at the site boundary with residential property:
Noise Rating NR40 between the hours of 07.00 and 23.00
Noise Rating NR35 between the hours of 23.00 and 07.00

Reason: In the interests of the amenities of the occupiers of nearby property in accordance with Policy NE9 of the Local Plan.

14. A full store Travel Plan with up-to-date staff and customer travel survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after store opening. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: In the interests of sustainable travel in accordance with Policies 1 and 10 of the Aligned Core Strategy

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 29 July 2014.

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. 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.

3. 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 strongly recommended 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 will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

4. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

5. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

6. If the development involves the demolition of a building or part of a building larger than 1,750 cubic feet (50 cubic metres) in size it is necessary to serve a notice on the City Secretary at the Guildhall, North Sherwood Street, Nottingham NG1 4BT under Section 80 of the Building Act 1984 six weeks before demolition begins.

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: 14/01791/PFUL3 (PP-03556873)

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.