

My Ref: 14/02352/PFUL3

Your Ref:

Contact: Ms Kathryn White

Email: development.management@nottinghamcity.gov.uk



**Nottingham**  
**City Council**

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

Tel: 0115 8764447  
www.nottinghamcity.gov.uk

Brian Barber Associates  
The Granary  
Spring Hill Office Park  
Harborough Road  
Pitsford  
Northampton  
NN6 9AA

Date of decision: 16 March 2015

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

Application No: 14/02352/PFUL3  
Application by: BP Oil UK Limited  
Location: Wollaton Vale Service Station, Wollaton Vale, Nottingham  
Proposal: Demolition of existing sales building, canopy and associated equipment.  
Erection of new sales building, new underground fuel tanks, forecourt canopy, pumps, a/c and refrigeration units, refuse compound, atm and associated services and works.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (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 details of all external materials have been submitted to and approved in writing by the Local Planning Authority.  <i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i>

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3. The development shall not be commenced until details of a CCTV survey of the culvert have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of drainage and to reduce the risk of creating or exacerbating flooding to comply with Policies 1 of the Aligned Core Strategy and NE10 of the Local Plan.*

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4. The development shall not be commenced until a Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in Geo-Environmental Investigation Report Ref BP14995 CL 001 are complete shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include verification testing of excavations below fuel tanks and pipework and installation of hydrocarbon-resistant gasimpermeable membrane.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.*

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#### **Pre-occupation conditions**

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

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5. The development shall not be occupied until details of a CCTV survey of the culvert that shall take place following substantial completion of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a scheme to rectify any damage to the culvert caused as a result of the development.

The scheme shall be carried out in accordance with the approved details unless first varied by the prior written consent of the Local Planning Authority.

*Reason: In the interests of drainage and to reduce the risk of creating or exacerbating flooding to comply with Policies 1 of the Aligned Core Strategy and NE10 of the Local Plan.*

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6. The development shall not be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

*Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.*

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#### **Regulatory/ongoing conditions**

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

There are no conditions in this section.

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#### **Standard condition- scope of permission**

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- S1. Except as may be modified by the conditions listed above, the development shall be carried
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out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 15 December 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 officer's delegated report, enclosed herewith and forming part of this decision.

3. 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

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.



Paul Seddon  
Head of Development Management and Regeneration

## **RIGHTS OF APPEAL**

Application No: 14/02352/PFUL3

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/pcs](http://www.planningportal.gov.uk/pcs).

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.

## **DECISION NOTICE APPENDIX: DELEGATED REPORT**

This report sets out the reason for the decision, taken by officers under the terms of the Council's Scheme of Delegations, and includes a summary of relevant planning policies.

### **LIST OF RELEVANT POLICIES**

#### **Nottingham Local Plan (November 2005):**

S5 - Retail development, Edge/Outside Centres. Seeks to focus new retail development within and adjacent to existing allocated retail centres based on need and the sequential approach. Retail development outside of these areas may be permitted subject to criteria including the impact on vitality and viability of centres, accessibility, traffic implications, whether those sites would enable the redevelopment of brownfield sites, or whether more suitable alternative sites exist.

NE10 - Water Quality and Flood Protection. Seeks to resist development which would damage surface water or groundwater, be at or increase the risk of flooding or compromise access to a watercourse for maintenance or flood defence purposes.

NE12 - Derelict and Contaminated Land. Seeks to ensure that development only takes place on sites that are contaminated or derelict where it can be demonstrated that they can be developed without health or safety risks to the occupiers of the development and or adjoining occupiers.

#### **National Planning Policy Framework**

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications.

#### **Aligned Core Strategy**

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 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.

### **SUMMARY OF RESPONSES TO CONSULTATION**

Neighbours: site notice posted and 4 properties notified, no comments received.

Environment Agency: no response received.

Drainage: Concerns relating to surface water run-off, flood risk and maintenance of an existing culvert running through the site.

Pollution Control: Recommends pre-commencement and pre-occupation conditions relating to gas.

ground and groundwater contamination.

## **APPRAISAL**

### **Site**

The site is an existing and well established petrol filling station located within a Primarily Residential Area as defined in the Local Plan. The site comprises a single storey brick sales building, large forecourt canopy, car wash, jet wash and associated services with an ad hoc parking arrangement. The site is generally enclosed with timber fencing and has two accesses directly from Wollaton Vale. A culvert runs through the site, beneath the existing sales building.

Residential properties lie to the north and south, with Wollaton Vale Health Care Centre and Hemlock Stone public house sharing common boundaries to the northwest and southeast respectively. Tottle Brook sits to the rear of the site along with a group of preserved trees (TPO 282). The ground is generally level.

### **Relevant Planning History**

There are a number of planning applications that relate to use of the site as a petrol filling station. Most notably planning application reference 93.02.0173 granted permission to redevelop the existing service station and imposed a 2300 to 0730 hours restriction on refuelling. Planning application reference 94.10.0072 sought to remove this condition to allow 24 hour refuelling but was refused, subsequently allowed temporarily for 12 months on appeal. Planning application reference 96.08.0055 permitted a permanent 24 hour operation of the premises for refuelling purposes in September 1996.

### **Proposal**

Planning permission is sought for the erection of a new single storey sales building, new underground fuel tanks, forecourt canopy, pumps, a/c and refrigeration units, refuse compound, ATM and associated services/works. This will involve demolition of the existing sales building, canopy and associated equipment.

### **Main Issues**

- i) Principle of the development;
- ii) Edge of Centre retail development;
- iii) Design and impact on the street scene;
- iv) Impact on residential amenity;
- v) Drainage and flood risk;
- vi) Sustainability.

#### **i) Principle of the Development**

This is a well established petrol filling station where the principle of such development has previously been established.

#### **ii) Edge of Centre retail development (Policy 6 of the ACS and Local Plan Policy S5)**

The proposal would result in a very modest increase in retail floorspace (60sqm net) which would not impact on the vitality and viability of surrounding centres. As such, this increase is considered acceptable.

#### **iii) Design and Impact on the Streetscene (Policy 10 of the ACS)**

The development is considered to be of an appropriate scale and design for those usually associated with the modern day petrol filling station. The materials proposed would not be considered unusual in this context, a condition is recommended to require details or samples to be submitted for approval before work commences.

**iv) Impact on Residential Amenity (Policy 10 of the ACS)**

The design, scale, location and outlook from the proposed development and the relationship with the site boundaries is generally consistent with that currently in situ. Furthermore, the existing car wash facility and structure is to be removed resulting in betterment in terms of potential noise and spray. With this in mind, coupled with fact that no objections have been received, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.

**iv) Drainage and flood risk ((Policy 1 of the ACS and Local Plan Policy NE10)**

The Drainage team initially raised concerns regarding surface water run-off, flood risk and maintenance of an existing culvert running through the site. Additional information provided notes that there will be a 25% reduction on the peak run-off rates and that the existing culvert will be surveyed by CCTV both before commencement of the development and following completion in order to record the condition and the need for any remedial repairs. Both of these matters are considered acceptable to the Drainage team. Finally, the Drainage team state that the site is at a greater risk of flooding due to recorded instances in the nearby area and the site's proximity to Tottle Brook. Whilst the Environment Agency (EA) flood maps do not identify this area to be at a heightened risk of flooding, the Drainage team note that this is likely to be because the EA only modelled catchments above a certain size. Nonetheless, the existing development is a material consideration and it is likely that any additional impact in terms of flood risk is likely to be minor as a result of the proposal. Following discussion, the Drainage team accept this to be case and do not object to the development on this basis.

The use of soakaways has been pursued but, due to the local geology, is not considered viable given that the site is underlain by firm to stiff clay and sandstone.

**v) Sustainability (Policy 1 of the ACS)**

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1.

**Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010**

In granting planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner. In order to address concerns raised with the original proposal, additional information has been sought to satisfactorily address these concerns.