

REPORT OF HEAD OF PLANNING

Site Corner Of Bull Close Road And, Thane Road

1 SUMMARY

Application No: 16/00887/PFUL3 for planning permission

Application by: Blackstaff Architects on behalf of Sytner Group LTD

Proposal: Two storey car showroom and associated works.

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

To meet the Council's Performance Targets this application should be determined by 9th August 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form of those listed in the draft decision.

Power to determine the final details of the conditions to be delegated to the Head of Planning.

3 BACKGROUND

- 3.1 The application site is comprises 0.6ha of land located on the corner of Thane Road and Bull Close Road. The former Players Horizon factory is located to the west on the opposite side of Bull Close Road. It is currently hard surfaced and enclosed with mesh fencing and used for the open storage of vehicles with vehicular access from Bull Close Road and Thane Road for which planning permission was granted in 2014 (ref. 14/01721/PFUL3). There are a number of trees along the edge of the site on both Thane Road and Bull Close Road and a length of hedge on Bull Close Road. The site is located within an established area of industrial/commercial premises which the Local Plan identifies as being a Major Business Park/Industrial Estate.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a new car dealership including a showroom, workshop, offices and ancillary facilities with a floor area of 2281 sq m. The building is proposed to be centrally located on the Thane Road frontage of the site adjacent to the back edge of the footway. The ground floor includes a showroom at the front of the building with offices and workshop to the rear. The first floor includes a further car showroom at the front of the building with staff facilities to the rear.

- 4.2 The building is proposed to be flat roofed with roof top parking. The front elevation is proposed to be largely frameless glazing with a white cladding surround. A black aluminium cladding system is proposed for the other elevations of the building.
- 4.3 It is proposed that the land to the west of the building would be used for the open storage of vehicles. The land to the east of the building is proposed to be used for customer and staff car parking. A total of 112 parking spaces are proposed of which 81 parking spaces would be for the storage of vehicles. Access for service vehicles to the site is proposed from both Thane Road and Bull Close Road but customers would only use the Thane Road access.
- 4.4 Two trees at the corner of Thane Road and Bull Close Road and the length of hedge on Bull Close Road are proposed to be retained.
- 4.5 The existing mesh fencing is proposed to be removed. It is proposed to enclose the part of the site to be used for open storage with a 2.4m high timber hit and miss fence which incorporates a planting system which will ultimately provide the appearance of a hedge. The area in front of the customer car parking is proposed to be enclosed with a low box hedge.
- 4.6 As part of the development package the developer is to deliver local employment and training opportunities during the construction and operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through a Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

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

Abbott House. Bishop House, Cardinal House, all Abbeyfield Road.

No response has been received.

Additional consultation letters sent to:

Highways: Have requested further details of the swept paths of an articulated vehicle entering the site from Thane Road in order to ensure that existing problems of congestion on the highway which occur at peak times are not exacerbated. Subject to this being satisfactorily demonstrated have no objection subject to conditions requiring the submission of a construction parking management plan and detailed layout matters.

Drainage: No objections subject to conditions relating to the surface water drainage being reduced by 30% through the use of SuDS and more details of the proposal to raise the level of the building to 400mm above the 1 in100 year flood plus 30% for climate change.

Environment Agency: No objection subject to conditions relating to methods to deal with any contamination not previously identified, the control over the use of penetrative methods in piling and foundation designs and no infiltration of surface water drainage into the ground.

Noise and Pollution Control: No objections subject to a condition relating to a scheme to deal with ground gas.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 22 of the NPPF states that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose".
- 6.3 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the requirement to support sustainable economic development, secure high quality design, make effective use of brownfield land and support the transition to a low carbon future.
- 6.4 Paragraphs 18-22 relate to the Government's commitment to building a strong competitive economy. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 6.5 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.
- 6.6 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.7 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Aligned Core Strategies (September 2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

ST1: Sustainable Communities

E3: Major Business Parks/Industrial Estates

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict or Contaminated Land

T3: Car Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Principle of development;
- (ii) Layout, design and external appearance;
- (iii) Transport impacts.

- (i) **Principle of development** (Local Plan policies ST1 and E3 and Aligned Core Strategy policies A and 4)

- 7.1 The site is located within an area defined as a major business park/industrial estate under Policy E3 of the Local Plan. This policy seeks to protect sites for employment development which is defined as B1 (offices/light industry), B2 (general industry) or B8 (storage and distribution) uses. The proposal for a new car dealership, whilst including elements of employment use, would be classed as sui generis by virtue of the fact that it encompasses a combination of uses including car sales. The proposed use would therefore represent a departure from the local plan and has been advertised accordingly.
- 7.2 Although the proposal does not meet the strict definition of employment development in planning terms the layout shows that a good proportion of the floorspace would be workshop and office components of the proposal shows that a significant proportion of the floor-space would be for employment use purposes. It is also noteworthy that whilst little weight can currently be attached to the emerging Part 2 Local Plan, it is proposed that the definition of employment uses be extended to include sui generis uses of a similar nature which are located on employment sites. The nature of the site, whether office or industrial and warehouse orientated, will determine the appropriateness of the particular sui generis use.
- 7.3 The total floor space proposed amounts to 2281 sq. m, of which approximately 50% is proposed to be workshop, offices and storage and as such can be classified as employment floorspace. The showroom and sales area also extend to approximately 50% of the floorspace and cannot be classed as "employment" in planning use terms. It is recognised that the showroom and sales area are not ancillary and form a principal function of the use. The office and storage elements of the scheme relate to supporting uses for both the showroom and workshop.
- 7.3 Local Plan policy E3 does not provide exceptions to employment development, however, it is considered that there are a number of other material considerations

which in this case can be attributed overriding weight. Specifically, the site is currently underused as an open car storage area, is relatively small in the context of the whole industrial estate and it offers opportunities for job creation with the application stating that the use will create 21 full time jobs. Furthermore, over recent years there have been a number of similar developments for car showrooms and workshops on other sites within the industrial estate, with the Nissan development on Abbeyfield Road which was granted permission in 2013, being a recent example. It is therefore considered that taking into account all these factors and that a significant percentage of the floor space development would be for employment use that the principle of the development is acceptable. The proposal accords with the wider policy objectives of Policies A and 4 of the Aligned Core Strategy and ST1 of the Local Plan in strengthening the economic base.

(ii) **Layout, design and external appearance** (Aligned Core Strategy policy 10)

- 7.4 The building is proposed to be located on the site frontage and as such would address the road. The building is two storeys in scale which would create a presence in the streetscene on a site which is currently open. The front elevation is proposed to be primarily glazed with views into the car showroom on both the ground and first floors which would create interest and introduce casual surveillance. The design of the building is simple and the use of glazing as the principal material on the front elevation would result in a development with a good quality contemporary appearance. It is considered that the proposal would significantly raise the quality of the appearance of the edge of the industrial area and accords with the objectives of Policy 10 of the Aligned Core Strategy.
- 7.5 The area to be used for the open storage of vehicles to the west of the building is proposed to be enclosed with a hit and miss timber fence which incorporated a planting system to produce the effect of a hedge. It is considered that this would successfully enclose and screen this area and that the planting will help to soften the edge. Two trees on the corner of the site are proposed to be retained and discussions are ongoing with the agent about the possibility of retaining further trees on the frontage to Bull Close Road. It should be noted that the trees are not of high value in themselves but they do have some landscape value and help to soften the edge of the site.

(iii) **Transport impacts** (Local Plan policy T3 and Aligned Core Strategy policy 14)

- 7.6 The access arrangements to the site are acceptable and the level of parking provision is appropriate. Further to the query raised by Highways in relation to a car transporter gaining access from Thane Road a swept path analysis has been submitted and Highways have confirmed that this can be achieved.

OTHER MATTERS (Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9, NE10 and NE12)

Flood risk/drainage: The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection on the grounds of flood risk. The development is classed as “less vulnerable” development on a site up to 1ha in size to which the Environment Agency’s standing advice applies. However, the development also needs to pass the sequential test as set out in the NPPF. The applicant has, to date, not provided sufficient information to address this test satisfactorily and further information is being sought in this regard and will be reported to committee in the

update sheet. The observations of both Drainage and the Environment Agency with regard to the disposal of surface water and ground water contamination are addressed by conditions.

Contamination: The issue identified by Noise and Pollution Control related to ground gas contamination can be satisfactorily dealt with by condition.

Amenity of nearby occupiers: The site is located within a mixed industrial/commercial area and as such it is considered that the proposed uses are compatible with this and would not adversely impact upon the amenity or business operations of nearby occupiers.

Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9, NE10 and NE12 are therefore satisfied.

8. SUSTAINABILITY / BIODIVERSITY (Aligned Core Strategy policy 1)

- 8.1 The aim for the development is to achieve a BREAAAM very good rating and to exceed the performance requirements set out in the Building Regulations by reducing energy demand, including achieving high air-tightness and insulation and maximising the use of natural daylighting into the building. Further details of the means of securing a 10% reduction in carbon emissions over and above the Building Regulations is required by condition. On this basis Policy 1 of the Aligned Core Strategy is satisfied.

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

Work in Nottingham: By creating 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: 16/00887/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5XK11LYK7B00>
2. Email dated 27.06.2016 from Noise and Pollution Control
3. Email dated 26.05.2016 from Drainage
4. Letter dated 26.05.2016 from Environment Agency
5. Highway observations dated 24.05.2016 and 05.07.2016

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (2014)
NPPF

Contact Officer:



Mrs Janet Keble (Tues, Wed, Thurs), Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056

NOMAD printed map

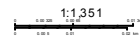


(c) Crown Copyright and database right 2015. Ordnance Survey Licence number 100019317.

Key

-  City Boundary
-  Planning Application Polygons

Nomad web map printed by a Nomad user at 12:57, 12/07/2016



Description

No map description

My Ref: 16/00887/PFUL3 (PP-05069804)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
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

Blackstaff Architects
FAO: Mr Jason Goldring
2 College House
Citylink Business Park
Durham Street
Belfast
BT12 4HQ

Date of decision:

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

Application No: 16/00887/PFUL3 (PP-05069804)
Application by: Sytner Group LTD
Location: Site Corner Of Bull Close Road And, Thane Road, Nottingham
Proposal: Two storey car showroom and associated 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:-

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 such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the provision to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of nearby occupiers in accordance with Policy T3 of the Local Plan Policy and Policy 10 of the Aligned Core Strategy.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Continued...

3. The development shall not be commenced until a Remediation Strategy, based on the conclusions of the Phase 1&2 Geo-Technical & Geo-Environmental report carried out by Eastwood & Partners on behalf of the Sytner Group (Ref 39518-04 10 May 2016) has been submitted to and approved in writing by the Local Planning Authority. The strategy should contain:
- a) Results of ground gas monitoring.
 - b) A Remediation Plan, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

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 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 all drainage details have been submitted to and approved in writing by the Local Planning Authority.

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway. This provision shall then be retained for the life of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan and Policy 1 of the Aligned Core Strategy.

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

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

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Policy 10 of the Aligned Core Strategy.

6. No above ground development shall be commenced until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations 2010 Part L2A has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development in accordance with Policy 1 of the Aligned Core Strategy Policy 1 and Policy NE14 of the Local Plan.



7. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

8. The development shall not be commenced until an application and draft designs for a Traffic Regulation Order on Bull Close Road to provide suitable visibility splays have been submitted to and approved in writing by the Local Planning Authority, to obtain in principle approval. The developer shall thereafter pursue implementation of the agreed design in accordance with the requirements of the Road Traffic Regulation Act 1984.

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

9. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

Pre-occupation conditions

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

10. The development shall not be occupied until secure, covered and lit cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the area identified for parking cycles shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policy T3 of the Local Plan.

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

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

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

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.



12. The development shall not be occupied until the parking/turning/servicing areas have been provided in accordance with the approved drawings. Thereafter, the parking/turning/servicing areas shall only be used for the purposes approved.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy T3 of the Local Policy.

13. The development shall not be occupied until the sustainable design measures approved under Condition 6 have been implemented.

Reason: In the interests of providing a sustainable development in accordance with Policy 1 of the Aligned Core Strategy and Policy NE14 of the Local Plan policy.

14. The development hereby approved shall not be brought into use until a Travel Plan detailing measures and targets to reduce single occupancy car journeys to and from the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of sustainable means of transport to comply with of the Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

15. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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 is satisfactory, in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE9 and NE10 of the Local Plan.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policies NE9 and NE10 of the Local Plan.



18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE12 of the Local Plan.

19. The telescopic bollards at the access to the site from Thane Road must be retracted to allow access at all times during the hours of business.

Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan.

20. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

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

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

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 May 2016.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

4. HIGHWAYS RELATED INFORMATION Planning consent is not consent to work on the highway. To carry out the off site works on Thane Road and Bull Close Road associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

In the interests of highway safety it will be necessary to amend the existing Traffic Regulation Order at the applicant's expense. As a general rule, Traffic Regulation Orders (circa £7-10k payable by the applicant) can take upwards of 6-9 months to complete. For specific queries relating to the TRO process please contact Scott Harrison on 0115 876 5245 or by email at scott.harrison@nottinghamcity.gov.uk.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Continued...

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.

DRAFT ⁷ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 16/00887/PFUL3 (PP-05069804)

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue