

REPORT OF HEAD OF PLANNING

Vision Express, Abbeyfield Road

1 SUMMARY

Application No: 16/00852/PFUL3 for planning permission

Application by: CBW Design Ltd on behalf of Sandicliffe

Proposal: Redevelopment to provide car dealership with showroom, workshop, used car showroom/office, ancillary parking and associated works.

The application is brought to Planning Committee as 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 8th August 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

3.1 The site comprises 2.85 ha of land formerly occupied by Calor Gas Limited. The building is currently being demolished. The site is located towards the north end of Abbeyfield Road, on the west side of Clifton Boulevard. The site is within land designated in the Local Plan as a major business park/industrial site. The site is enclosed with palisade fencing on three boundaries and is open to Abbeyfield Road.

3.2 To the south of the site is the Sandicliffe Nissan car dealership, whilst to the north is a large office building occupied by ZF Services Uk Ltd. To the rear (west) of the site is Hyperama Wholesalers and to the east is Clifton Boulevard, which is separated from Abbeyfield Road by a hedge approximately 3m in height.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks planning permission for a new car dealership including a showroom, workshop, separate used car showroom /office and ancillary facilities. The main building is proposed to be sited to the front of the site, on the northern side, and comprises mainly ground floor accommodation but with a 2 storey car

showroom element. The ground floor includes a showroom at the front of the building with a small with offices, parts store and workshop to the rear. The show room is proposed to house a small café franchise. The building is proposed to be flat roofed with roof top parking (90 spaces). The materials are largely glazing on the front elevation with a silver cladding system used on the other elevations of the building. A single storey detached used car show room and office is also proposed to be located adjacent to the southern boundary of the site.

- 4.2 The site plan proposes a large area of external space for the display of vehicles mainly to the side and rear of the proposed building, with the remainder of the site given over to customer and workshop parking. A total of 267 parking spaces are proposed of which 188 parking spaces would be for the display of vehicles for sale. The proposal would utilise the existing vehicular access from Abbeyfield Road.
- 4.3 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:

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

Hyperama, Bull Close.

Former Stiebel factory, ZF Services UK Ltd and 27 Abbeyfield Road.

- 5.2 One letter has been received from the Managing Director of ZF Services UK Ltd whose premises adjoins the site. They comment that there are a number of car dealerships in the locality, which do not appear to have made any provision for handling the off-loading of cars from transporters. At present this takes place on the public highway and deliveries to one dealership have blocked their main access on Redfield Road. They consider the situation on Abbeyfield Road to be worse, with transporters serving the two existing dealerships on the road causing significant obstruction to traffic along it, which often affects adjoining businesses.
- 5.3 They suggest that the Council makes any car dealership planning approval conditional on the Company concerned making provision for the off-loading of transporters to be carried out away from the public highway and on the dealership property itself. They consider this a reasonable request and would avoid disruption to passing traffic and to neighbouring businesses.

Additional consultation letters sent to:

- 5.4 **Highways:** No objections to the access arrangements or the parking provision. Conditions relating to a construction management plan, staff travel plan, 17 cycle and 8 disabled parking spaces are recommended.
- 5.5 **Drainage:** No objections subject to a condition relating to the surface water drainage being reduced by 30%, through the use of SuDS.

- 5.6 **Environment Agency:** No objections subject to conditions relating to methods to deal with any unidentified contamination and a control over the use of penetrative methods in piling and foundation designs.
- 5.7 **Noise and Pollution Control:** No objections subject to a condition relating to a scheme to deal with ground contamination and gaseous emissions.

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) Highways
- (iii) Layout and Design

- (i) Principle of Development (NPPF, Aligned Core Strategy Policies A and 4 and Local Plan Policies ST1 and E3)

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, a closer examination of the components of the proposal shows that a significant proportion of the floor-space will be for employment use purposes. The total floor space proposed amounts to 3,452m², of which the largest part is for the vehicle workshop located to the rear of the building at approximately 1,607m². This use in isolation would be considered to be B2 and furthermore there is office space and storage space totalling a further 447m². The showroom and sales area extends to 1,019m² and cannot be classed as 'employment' in planning use class terms, but this represents less than 30% of the total floor space. It is recognised that the showroom and sales area is not ancillary and forms a principal function of the use and that the office and storage elements of the scheme largely relate to supporting uses for the showroom and workshop.

7.3 Whilst Policy E3 does not provide exceptions to employment development, it is

considered that there are several other material considerations which should also be attributed overriding weight. The site has been vacant since January 2015 and this proposal offers the opportunity for redevelopment, with the application stating that 118 full time jobs would be created. Furthermore Abbeyfield Road and Lenton Lane have over recent years has seen a number of similar developments for car showrooms and workshops, with the Nissan development granted permission in September 2013 being a recent example on Abbeyfield Road. It is considered that given these factors and that a significant percentage of the floor space development will involve employment uses, the principle of the development is acceptable. The proposal accords to 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) Highways (Aligned Core Strategy 14 and Local Plan Policy T3)

7.4 The Council's Highway section is satisfied that the access arrangements to the site are acceptable and that the level of parking provision is appropriate. Whilst Policy T3 does not specifically provide parking standards for sui generis uses, analysis has been undertaken by Highways against similar uses in the vicinity and the parking provision is considered acceptable. Other than customer and staff parking, external areas of the site will be used for the display of vehicles. This would predominately be at the rear of the site but even accounting for some vehicles displayed on the site frontage, this is considered acceptable for this type of use and within this location.

7.5 The site layout has been designed to ensure that the delivery of cars by transporters can take place within the confines of the site, thereby addressing the concerns of the neighbouring business. Highways have commented that parking restrictions are in place on Abbeyfield Road adjoining the main access to the site, which should ensure access for transporters can be achieved.

(iii) Layout and Design (Aligned Core Strategy Policy 10)

7.6 The form of the building is simple but the proportions work well and the extensive glazing on the front elevation of the main building, would give the development a light and contemporary appearance. The design of the building is centred around the 2 storey glazed car showroom, which should be visible from Clifton Boulevard and help to provide a street-scene presence, which would otherwise largely be restricted by the hedgerow separating Clifton Boulevard from Abbeyfield Road. Additional trees are now proposed within the large parking area to help soften its appearance. It is considered that the proposal would help to raise the quality of the street scene on the edge of the industrial area and accords with the objectives of Policy 10 of the Aligned Core Strategy.

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

7.7 **Flood Risk:** The site is located within Flood Zone 2 (FZ2) and a Flood Risk Assessment has been submitted with the application. The development is classed as 'less vulnerable' development and the Environment Agency has raised no objections on the grounds of flood risk. However, the development also needs to pass the sequential test as set out in paragraph 101 of the NPPF. The site's location within FZ2 means that any available sites within FZ1 would be sequentially preferable. The applicant has stated that as the proposed development is to be

linked to the adjacent car showroom, which was granted planning consent in 2013, there are no alternative sites within Flood Zone 1 which meet this requirement.

- 7.8 The Drainage Team have recommended that surface water drainage from the site be reduce by 30%. This will be dealt with by condition.
- 7.9 **Contamination:** The issue identified by Noise and Pollution Control related to ground gas contamination can be satisfactorily dealt with by condition.
- 7.10 **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 would not adversely impact upon the amenity or business operations of nearby occupiers.
- 7.11 Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9 and NE10 are therefore satisfied.

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

- 8.1 An Energy Statement has been submitted with the application which identifies that the development will achieve a 10% reduction in carbon emissions through insulation materials and the use of solar photovoltaic panels. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy 1 of the Aligned Core Strategy.

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: 16/00852/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5TFEMLYK5Y00>

2. Comments from Highways dated 09.06.16.

3. Comments from Environment Agency dated 31.05.16.

4. Comments from the Drainage Team dated 23.05.16.

5. Comments from Pollution Control dated 02.06.16

6. Comments from ZF Services UK Ltd dated 01.06.16.

17 Published documents referred to in compiling this report

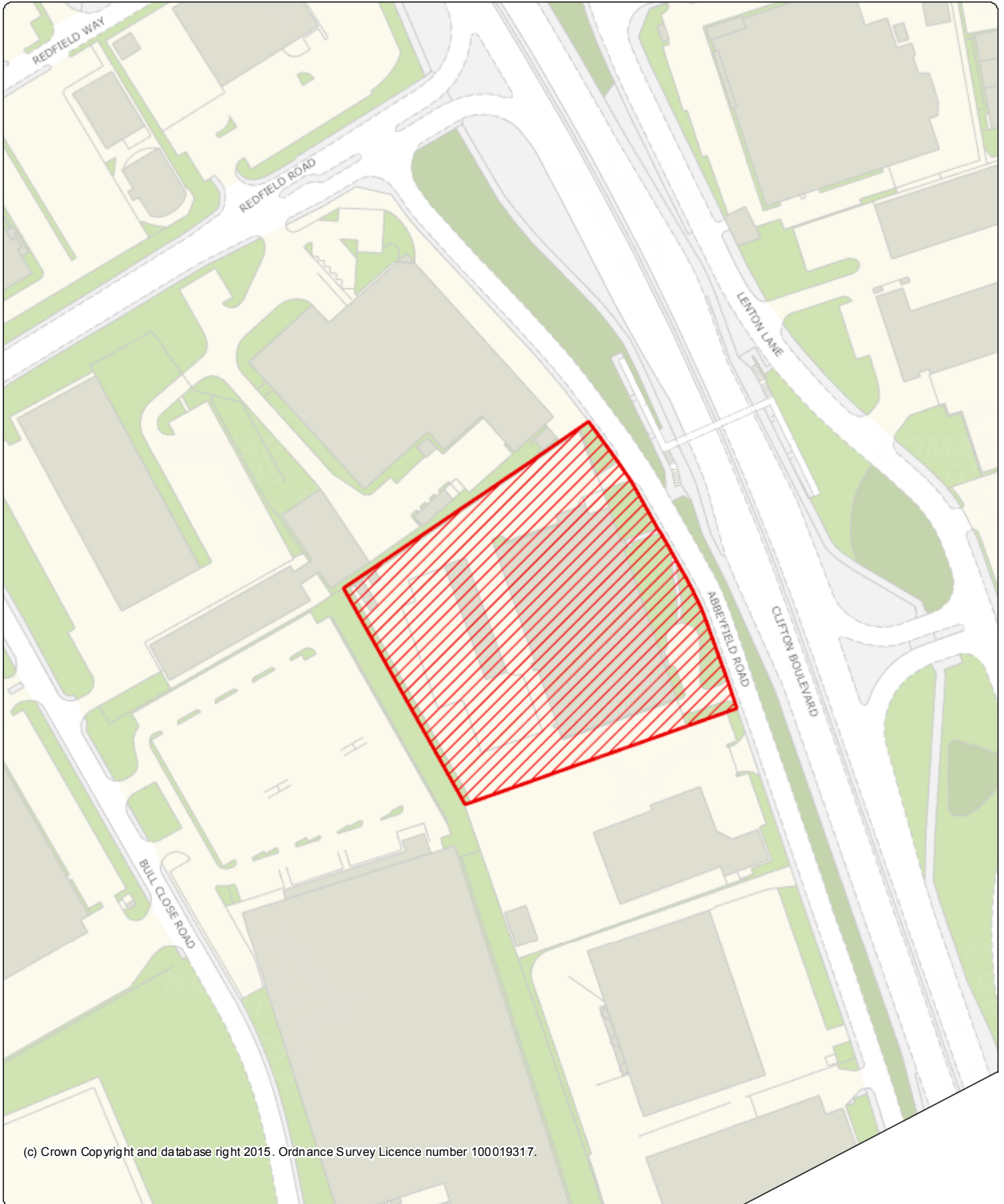
Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.

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

NOMAD printed map





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

Nomad web map printed by a Nomad user at 12:47, 12/07/2016



Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

My Ref: 16/00852/PFUL3 (PP-04264466)
Your Ref:
Contact: Mrs Jo Briggs
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

CBW Design Ltd
FAO: Mrs Laura Walton
344 Highters Heath Lane
Hollywood
Birmingham
B14 4TE

Date of decision:

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

Application No: 16/00852/PFUL3 (PP-04264466)
Application by: Sandcliffe
Location: Vision Express, Abbeyfield Road, Nottingham
Proposal: Redevelopment to provide car dealership with showroom, workshop, used car showroom/office, ancillary parking 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 neighbouring residents in accordance Aligned Core Strategy Policy 10 and Local Plan Policy T3.



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

DRAFT ¹ 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 Ivy House Environmental on behalf of Sandcliffe Motors Ltd (Ref IV.168.15 December 2015), has been submitted to and approved in writing by the Local Planning Authority. The strategy should contain:

a) 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).

b) 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 Nottingham Local Plan Policy NE12.

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 Aligned Core Strategy Policy 1 and Local Plan Policy NE10.

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 Aligned Core Strategy Policy 10.

6. No above ground development shall be commenced until details of the proposed solar panel, including their type, number and siting, 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: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Aligned Core Strategy Policy 1 and Local Plan policy NE14.

7. Notwithstanding the details provided, a revised drawing showing the staff and customer parking (to include 8 disable parking spaces), and areas for the display of vehicles for sale, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

8. The development shall not be occupied until secure, covered and lit cycle parking facilities for a minimum of 17cycles 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 Aligned Core Strategy 14 and Policy T3 of the Local Plan.

Pre-occupation conditions

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

9. 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.

10. The development shall not be occupied until the parking/turning/servicing areas approved under condition 7 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 the Local Plan.

11. 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.

The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the LPA.

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

12. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.



The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Aligned Core Strategy Policy 10.

Regulatory/ongoing conditions

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

13. 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 approval details.

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

14. 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.

15. 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.

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 following drawings/documents: Planning Layout reference P101 revision Rev A, received 30 June 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 & 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.

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and 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. 1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.

2. The Applicant is advised to contact Kerry Peruzza 0115 8763947 or e-mail Kerry at Kerry.Peruzza@nottinghamcity.gov.uk to progress the Staff Travel Plan and sustainable transport initiatives.

3. The Applicant will be required to contact our Workplace Parking Levy Team on 0115 98765050 to discuss licences for off-street staff car parking. Further details are available on:

<http://www.nottinghamcity.gov.uk/transport-parking-and-streets/parking-andpermits/workplace-parking-levy/wpl-licensing-costs-and-payments/>

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: 16/00852/PFUL3 (PP-04264466)

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