

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Horizon Factory , Thane Road

1 SUMMARY

Application No: 18/01455/POUT for outline planning permission

Application by: Henry Boot Developments Plc

Proposal: Outline planning permission for the development of up to 46,556 m² of B1, B2 and B8 industrial space, up to 12,115 m² for a potential car showroom (use class Sui Generis) and with all matters reserved, except consideration of access.

The application is brought to Committee as it is a major application where there are important land use considerations.

To meet the Council's Performance Targets this application should be determined by 30th November 2018

2 RECOMMENDATIONS

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to Director of Planning and Regeneration.

3 BACKGROUND & SITE

- 3.1 This application relates to part of the former Imperial Tobacco site, which as a whole comprises of the existing Horizon Factory Building, RDC building, car parking areas, service yard and plant areas. The RDC Building is to be retained as a distribution facility by Imperial Tobacco with the Horizon factory forming the application site.
- 3.2 The Horizon Factory building has been closed for some time and a Prior Notification granted in May 2018 allows for the demolition of the existing building. This is scheduled to commence later in 2018.
- 3.3 The factory building to be demolished currently comprises of four storeys and covers an area of approximately 3.31 hectares. Office and administrative areas are located on mezzanine floors in the western part of the factory.
- 3.4 The site is bounded to the north by the RDC Building, to the south by Thane Road and beyond this the Riverside Family Golf Centre and Powerleague, to the west by the Beeston Canal, and to the east by Bull Close Road and beyond this a car

dealership, office buildings and industrial units. The site has direct access via Thane Road onto the A52 Clifton Boulevard.

3.5 The area around the site is industrial in nature and comprises buildings of mixed size and scale, set out in a typical industrial park arrangement.

3.6 The River Trent is approximately 550m south of the site.

4 DETAILS OF THE PROPOSAL

4.1 Outline permission is sought for an industrial development of B1 (light industrial) / B2 (general industrial) / B8 (warehouse/storage) uses, and potentially a car showroom. Three alternative, indicative layouts have been submitted to give an indication of type of development envisaged, which comprise the following accommodation:

- Option 1 – approximately 44,048 m² Gross Internal Floor Area (GIA) of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. This option also includes three detached employment use buildings (B1/B2/B8) that would provide a total of 2,080 m² gross internal floor area
- Option 2 – approximately 35,557 m² GIA of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. This option also includes three detached employment use buildings (B1/B2/B8) that would provide a total 2,007 m² gross internal floor area, and a separate plot of approximately 1.2 hectares for a car dealership (Sui Generis use)
- Option 3 – two detached industrial buildings – Unit 1: Approximately 32,327 m² GIA of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across two upper levels within the main body of the building. Unit 2: Approximately 14,229 m² of Class B2 and/or B8 accommodation, including ancillary office and welfare facilities. The office and welfare facilities would be distributed across a single upper level within the main body of the building.

4.2 The applicant is currently in negotiations to secure an occupier/s for the development so their requirements in terms of building size, layout and servicing are not yet known. At this stage permission is not being sought for these indicative layouts but rather to develop the site with up to 46,556 m² of B1, B2 and B8 industrial space, and up to 12,115 m² for a potential car showroom (use class Sui Generis).

4.3 The maximum height of any new building on the site would not exceed 25m, compared to the height of the current Horizon Factory which is 22m.

4.4 Access to the proposed development would be taken from Thane Road and Bull Close Road as existing. However, there would be a requirement to make changes to the access points from these roads, with one option being a revised position for the Thane Road access.

- 4.5 Detailed consideration at this stage is limited to the access arrangements, with details of layout, scale, appearance and landscaping to be reserved for future approval (the Reserved Matters).
- 4.6 The applicant is also committed to working with the Council to deliver local employment and training initiatives through both the construction and operation of the development, to be delivered by way of a S106 Unilateral Undertaking.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

11 neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site and press notice. No representations have been received.

Additional consultation letters sent to:

Highways: No objection subject to conditions relating to: the provision of parking, turning and servicing areas; cycle parking; visibility splays; submission of a travel plan; construction management plan; and details of the new road. A condition is also requested to safeguard the Highway Improvement Line along Thane Road as indicated within policy TR2.12 (Thane Road) of the submission version of the Local Plan part 2 (Feb 2018), in accordance with Section 73 of the Highways Act 1980.

Environmental Health and Safer Places: No objection to the development subject to conditions relating to a contamination remediation strategy, environmental noise assessment and sound insulation scheme, and Air Quality – Heat and Power Generation.

Drainage Officer: No objection.

Biodiversity and Greenspace Officer: No objection subject to conditions relating to retention of the hedgerow and woodland areas especially along the boundary, working method statement to manage the Japanese knotweed, the inclusion of a peregrine nest box on the new building and use of hedgehog fencing.

Environment Agency: Comments to be reported at Committee.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application. Paragraphs 80-82 support building a strong, competitive economy. Paragraph 80 requires decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Paragraphs 124-132 are focused on

achieving the creation of high quality buildings and places. Paragraphs 155-167 requires flood risk to take into consideration in making planning decisions.

Aligned Core Strategy (September 2014):

Policy 1 – Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10 – Design and Enhancing Local Environment

Policy 14: Managing Travel Demand

Policy 17 – Biodiversity

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy R1- Open Space Network

Policy NE3 – Conservation of Species

Policy NE5 – Trees

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Contaminated Land

Policy T3 – Car, Cycle and Servicing Parking

Emerging Local Plan (Land and Planning Policies (LAPP))

The site is allocated in the emerging Local Plan (part 2). The entire site is included as an employment allocation (Policy PA86).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Scale and impact on its surroundings
- iii) Access and highways impact
- iv) Biodiversity and green infrastructure
- v) Flood risk and drainage

i) Principle of the development (Policy 4 of the ACS and Policy E3 of the Local Plan)

- 7.1 The site is currently within the major business parks/industrial estate as defined by the proposals map of the Local Plan. Policy E3 of the Local Plan requires that such business park/industrial estate should remain in employment use (B1, B2, and B8)

except for ancillary uses necessary to serve the development. The proposal is mainly for B2 and B8 use with a small amount of B1 and Sui Generis (car dealership) use. Whilst the proposed car showroom does not fall within the uses supported by this policy, it is still an employment generating business with its component elements, excluding the usually relatively modest sales area, largely comprising B2 (car repair) and B8 (car storage) uses. The car showroom would be approximately 20% of the site and not out of keeping as there are similar uses within the area. In any event the car showroom is included within only one option and it is possible the whole site could still come forward for solely B1/B2/B8 uses. The proposal as a whole would ensure appropriate use of the supply of employment land within the City as a basis for continuous and sound economic growth.

- 7.2 The supporting text of Policy 4 of the ACS highlights a decline in manufacturing and warehousing employment in Nottingham up to 2016 and this decline is expected to continue beyond this date. To address this issue policy 4 of the ACS seeks to maintain an identified supply of land across the plan period to 2028 for manufacturing and warehousing uses. The proposed development would help to meet this identified need for manufacturing and warehousing uses in Nottingham.
- 7.3 Whilst not adopted yet, the site is also allocated in the emerging Local Plan (the LAPP) for employment (B1, B2, and B8) uses. Although the LAPP is at a relatively advanced stage of its preparation it has not yet undergone public examination and therefore little weight can be afforded to its policies. The allocation does however reflect and continue the Planning Authority's intention to protect its supply of employment land as highlighted in existing Policy 4 of the ACS and E3.
- 7.4 The application supports economic growth and productivity in Nottingham by retaining the land in employment uses.
- 7.5 It is concluded that the principle of the development is acceptable and the proposal accords with the Policy 4 of the Aligned Core Strategy, Policy E3 of the Local Plan, and paragraphs 80-82 of the NPPF.

ii) Scale and impact on its surroundings (Policy 10 of the ACS)

- 7.6 The proposed development (all three options) are large in scale. Option 2 could result in development of up to 49,679 m² including a car showroom. The height of the buildings would be up to a maximum of 25m. The proposed layouts are indicative only and not a matter for approval at this stage. They are however based on typical market requirements and demonstrate the type and scale of building likely to come forward for the site.
- 7.7 The proposal, with such a large scale and height, could be imposing and visually dominating in the surrounding area. However, the site is within a large and long established business park/industrial estate. The existing Horizon Factory (to be demolished) is also a large scale building and 22 m high. Whilst the proposed buildings could exceed this height in the context of the wider area they would only marginally do so and it is not considered that this difference would have a significantly greater impact than is currently the case. Whilst the proposed new industrial buildings would also be closer to the adjacent road frontages, it is proposed to provide a landscape buffer alongside both of these to soften their impact. The details of the landscaping buffer, including its depth, will be a matter for future approval at reserve matter stage.

- 7.8 The visual impact of the development would also be minimised by the quality of the design and materials for the very large buildings in particular. The detail of the design is not a consideration for this outline application but the supporting application documents state that the development would provide buildings of high quality modern design and construction, reflecting current trends for large scale industrial/logistics development.
- 7.9 It is intended that the detailed scheme would include a strong and coherent approach to the façade treatments, using different cladding types, colours and articulation to ensure an appropriate visual appearance for these large industrial buildings.
- 7.10 Overall, it is considered that the scale of the development that permission is sought for is capable of being accommodated on this site, although no approval is given for the indicative layout options at this stage and certain elements, like the landscape buffer to the road frontages, would need to be considered further once a detailed scheme emerges. The proposal is therefore capable of according with Policy 10 of the Aligned Core Strategy.

iii) Access and highways impact (Policy 14 of the ACS and Policy T3 of the Local Plan)

- 7.11 Access to the site is proposed to be taken from Thane Road and Bull Close Road. However, the points of access vary with the three proposed development options.
- 7.12 For option 1, the service yard for the large industrial unit would be accessed off Bull Close Road, with the car parking and three small employment units being accessed off Thane Road. These access arrangements are acceptable. However, with this option an emergency access is provided to the site onto Bull Close Road. It is not clear about the reason for this emergency access as the site can be accessed relatively easily from the other access points. There is also the risk that HGV access could be made using this access and the emergency service road. Whilst the Council has no major concern about this access, details to prevent the use of this access informally by HGVs/vehicles accessing the site are required.
- 7.13 For option 2, the access points for the industrial units would be the same as option 1, but with an additional access onto Bull Close Road for the car showroom. These access arrangements are acceptable.
- 7.14 For option 1 and 2, a gatehouse would be provided on the HGV access onto Bull Close Road. Highways advise that the gatehouse be setback from the highway at least 15m to ensure that a HGV can pull up to the gatehouse without blocking the adopted highway.
- 7.15 For option 3, the large two industrial units would be accessed by a single access point onto Thane Road with an emergency access onto Bull Close Road. The main access point onto Thane Road features a split style configuration between the entrance and exit routes for the site. Highways preference would be for a configuration similar to that proposed for options 1 and 2.
- 7.16 A transport assessment has been provided with the application. This indicates that there would be a maximum of 91 two-way trips in the AM peak and 70 two-way trips

in the PM peak. It is considered that each option would provide a substantial net trip reduction compared with the previous operation of the site.

- 7.17 There would be a net loss of total parking spaces with all three options. The total number of parking spaces are however adequate for the scale of the development and considered acceptable.
- 7.18 Notwithstanding the issues regarding each access option for the site, it should be noted that this section of Thane Road has a designated highway improvement line as identified by policy TR2.12 of the emerging part 2 Local Plan, the LAPP. This designation is to allow for the potential widening of Thane Road with the provision of an additional lane as part of transport improvement works linked to the Boots campus, and includes a strip of land along the Thane Road frontage of the site. The proposed built development in all three options does not encroach on this land so does not conflict with this emerging policy. However, this may introduce issues associated with the landscaped buffer which will require further assessment once a detailed scheme emerges. This matter will be drawn to the applicant's attention by way of an informative on the decision notice.
- 7.19 Overall, the proposal would reduce traffic flows within the local area and surrounding highway network. The proposed access arrangements are also considered to be acceptable subject to details layout to be submitted at the reserve matter stage. The details of the new road would also be subject to S278 agreement of Highways Act and do not need to be controlled by the planning permission. It is therefore considered that the proposal is in accordance with Policy 14 of the ACS and policy T3 of Local Plan.

iv) Biodiversity and green infrastructure (Policy 17 of the ACS and Policy R1, NE3, NE5 of the Local Plan)

- 7.20 A small part of the site is defined as Open Space Network (OSN), as identified in the Local Plan. Policy R1 requires that development within the OSN be considered against the following criteria:
- whether the land is underused and undervalued, and is not required for open space use within the Network;
 - whether the development would have a detrimental effect on the open space, environmental, landscape character, or wildlife value of the Network as a whole;
 - whether the development will enhance the Network, particularly in areas of open space deficiency, and help to achieve the City Council's aims for the open space resource;
 - whether the land is a small part of a major open space and would not result in the loss of integrity of the open space or be detrimental to its function as part of the Open Space Network;
 - whether the proposal would involve partial development of a smaller open space as an amenity locally or as part of the overall Open Space Network.
- 7.21 The area of land in question represents an area of surplus land that was not required for the former manufacturing operations and was grassed over with limited tree and shrub planting. The public has no access to the site, which is located in an area where there is extensive alternative and better quality open space immediately to the south, west and along the adjacent canal. In addition, the area of public open space located between the canal and Thane Road (to the west of the gas governor)

does not form part of our planning application and will be unaffected by this proposal. The land is therefore underused and undervalued and is not required to be retained as open space use within the city's network. In any event, most of the area in question will be used for landscaping as part of the proposed development and represents an opportunity to enhance the local area.

- 7.22 The proposed development would not have a detrimental effect on the open space, environmental, landscape character, or wildlife value of the Network as a whole. There is not a deficiency of alternative open space in the immediate area and there is extensive landscaping proposed as part of this development that will offer the opportunity to enhance biodiversity and add wildlife value.
- 7.23 The development would not result in the loss of integrity of the open space or be detrimental to its function as part of the wider open space network. The development would have no impact on the overall function and continued operation of the remaining greenspace network to the south and to the west of the site.
- 7.24 The proposal would involve development of a small area of open space, when compared to the open space to the south of the site. However, the area of land in question is not accessible to the public and therefore does not perform any wider open space function that offers any amenity value to users.
- 7.25 In summary, impact on the Open Space Network is considered to be acceptable and the proposal accords with policy R1 of the Local Plan.
- 7.26 Notwithstanding with the above issues, the emerging LAPP, which is at an advanced stage and has been submitted for examination, identifies no protected open space within the site. As this particular matter has not been subject to any third party objection through the LAPP consultation process, it is very likely to be supported.
- 7.27 The Council's Biodiversity Officer has considered the proposal and is of the view that the proposed development would not have significant impact on the local biodiversity and protected species. Subject to conditions to include bird boxes in the new buildings, hedgehog fencing, method statement to manage the Japanese knotweed, provision of new landscaping and the retention of the existing woodland and hedgerows, the proposal would comply with aim of national and local planning policies related to biodiversity and green infrastructure.

v) Flood risk and drainage (Policy NE10 of the Local Plan)

- 7.28 Environment Agency (EA) mapping shows the whole of site to lie within Flood Zone 2. The River Trent lies approximately 550m to the south of the site and is indicated to be the primary source of flooding. The applicant has conducted a review of historical flood map records which shows that this indicative flood extent is based on a historical flood event from 1947. Since this event, significant changes have been made to flood defences in the area and as such the latest hydraulic model outputs indicate that the site is outside of the 1 in 1000 year and 1 in 1000 year plus climate change floodplain extents. Therefore, the site is considered to be at low risk from fluvial sources.
- 7.29 Flood risk from other sources including reservoirs, canals, groundwater and sewers has been assessed and is considered to present a low risk to the site. Any residual

risk can be addressed by raising any new finished ground levels and these being designed to direct any residual overland flows away from the built development.

- 7.30 Flood risk from surface water has been assessed as being a residual risk due to the small extent of localised flooding shown on the Environment Agency mapping for the existing situation. Due to the nature of the proposals and the intended use of the site, simple mitigation measures can be used to minimise any residual risk posed post-development.
- 7.31 A surface water drainage strategy will be required separately to address surface water mitigation for the site, to ensure there would be no detriment to flood risk off-site as a result of flows from development drainage which can be secured through condition.
- 7.32 Drainage have raised no objection to the proposal. The consultation response of EA are still awaited and an update will be provided at committee. Subject to the EA's comments, the mitigation measures proposed and suitable management of surface water runoff discharging from the site, the proposal complies with the requirements of NPPF and policy NE10 of the Local Plan.

Other Matters

Land contamination and ground conditions (Policy NE12 of the Local Plan)

- 7.33 Assessment of the site has identified numerous underground oil and mineral acid tanks and associated pipe work to be present. Ground conditions were also found to comprise "Made Ground" to 9m below ground level, comprising domestic landfill materials with an associated gassing regime.
- 7.34 The assessment concludes that should the whole site be redeveloped, it is likely that a piled foundation solution will be required. The report outlines that due to the presence of the underlying landfill material it will be necessary to conduct a Piling Risk Assessment prior to construction. It is also recommended that further geo-chemical testing be undertaken.
- 7.35 A Remediation Strategy will be required detailing mitigation measures and validation expectations for the topsoil cover, gas protection, soil contamination and contingency arrangements. Further monitoring of leachate discharge to Beeston Canal is also required.
- 7.36 Environmental Health has considered the proposals and are of the view that the above matters can be addressed by suitably worded conditions. The proposal is therefore in compliance with policy NE12 of the Local Plan.

8. SUSTAINABILITY (Policy 1 of the ACS)

- 8.1 The aim across the development is to integrate appropriate low energy, sustainable and traditional design techniques in order to minimise environmental impact and energy consumption. There are two main themes which would be considered in achieving this objective:
- the development of the buildings thermal envelope, having compliant thermal transmittance values and low permeability

- the application of energy efficient systems as part of the overall servicing strategy

- 8.2 There will be emphasis on incorporating natural light with the use of roof lights to encourage daylight into the heart of the buildings. Areas of glazing to the offices will be provided with suitable solar gain control measures, in order to maximise the natural daylight levels and limit the reliance upon artificial lighting. Energy efficient lighting would also be provided across the site, along roads, in car parking areas and pedestrian routes to the buildings.
- 8.3 The use of reclaimed and recycled materials within the construction on process would be encouraged and this would be considered in detail during the early design stages.
- 8.4 These measures are in themselves acceptable along with a more detailed package of sustainability measures that can be developed once a detailed scheme emerges. The proposal therefore complies with policy 1 of the ACS.

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

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 18/04455/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PC5XCPLYJCU00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Nottingham City Aligned Core Strategy (September 2014)

Land and Planning Policies (LAPP) -Local Plan (part 2) (submission version March 2018)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/01455/POUT (PP-07032274)

Your Ref:

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Date of decision:

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

Application No: 18/01455/POUT (PP-07032274)
Application by: Henry Boot Developments Plc
Location: Horizon Factory , Thane Road, Nottingham
Proposal: Outline application for the development of up to 46,556 sqm of B1, B2 and B8 industrial space, up to 12,115 sqm for a potential car showroom (use class Sui Generis) and with all matters reserved, except consideration of access.

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

Time limit
<p>1. Application for the approval of the reserved matters of the planning permission (layout, scale, appearance and landscaping) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)</p>



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2. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has no adverse impact on the local highway network to accord with policy 14 of the ACS and policy T3 of the Local Plan.

3. The development shall not be commenced until a scheme of landscaping and works for the retention of trees, woodland and shrubs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The scheme shall also include a method statement to manage the Japanese knotweed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees 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 and landscape/ecological value of the site are satisfactory in accordance with Policies 10 and 17 of the Aligned Core Strategy.

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, based on 'Phase 1 and 2 Geo-Environmental Assessment' by BWB dated December 2017 BIM Document ref:BCR-BWB-ZZ-XX-RP-YE-0001_Ph1&2 Project No: LDS2414, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, 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 b) 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: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

5. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

6. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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

Reason: To protect the amenities of the surrounding area in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, 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 that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

8. The development shall not be commenced until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved site levels.

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the visual amenity of the surrounding area in accordance with Policy 10 of the Aligned Core Strategy.

9. No above ground development shall be commenced until an ecological enhancement and management plan, which has regard to the preliminary ecological appraisal produced by Delta-Simons dated June 2018, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- The production and approval of a mitigation and enhancement strategy to include a Construction Environmental Management Plan and Landscape and Ecological Management Plan;
- Retention of trees on site
- Retention of boundary vegetation features to all boundaries
- The inclusion of bat friendly lighting throughout;
- A bat and bird box scheme;
- Hedgehog friendly fencing throughout the scheme;
- Details of landscaping and management for retained and newly created grasslands, meadows and buffers, including a specification for the attenuation pond;
- Timescales for the implementation of ecological enhancements.

The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy 17 of the Aligned Core Strategy and Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

10. Prior to first occupation of the development, the following shall be 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: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

11. Prior the installation of the heating and power generating plant at the development, an assessment of the proposals, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:
 - Air quality impact assessment
 - Stack height calculation
 - Abatement techniques and mitigation of potential impacts

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

Reason: To minimise the effects of air pollution in accordance with Policy NE9 of the Local Plan.

12. No part of the development hereby permitted shall be occupied until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with the approved drawings.

Reason: To ensure that the development has no adverse impact on the local highway network in accordance with policy T3 of the Local Plan and policy 14 of the ACS.

13. No part of the development hereby permitted shall be occupied until provision has been made within the application site for parking of cycles for each individual unit in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance/s, covered and secure.

Reason: To promote sustainable forms of travel to comply with policies 1 and 14 of the ACS.

Regulatory/ongoing conditions

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

14. A Travel Plan with up-to-date staff and visitor travel survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after occupation of the first building within the development hereby approved. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets.
The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

15. Visibility splays of 2.4 metres by 43 metres shall be provided on each side of the vehicular access points and thereafter the area within the splays shall be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

Reason: In the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

16. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

17. The development hereby permitted shall be for no more than:

- a) 37,564 sqm (gross internal floorspace) for B1, B2 and B8 uses and 12,115 sqm (gross internal floorspace) for a car showroom, or;
- b) 46,556 sqm (gross internal floorspace) for B1, B2 and B8 uses only.

Reason: In order to control the scale of the development in accordance with Policy 10 of the Aligned Core Strategy.

18. The height of any part of any building shall be no more than 25 metres above ground level.

Reason: In order to control the scale of the development in accordance with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 14 August 2018.

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. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

4. 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 occurring.

5. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

6. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

7. The applicant should provide a Travel Plan noticeboard to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Richard Mallender (Transport Strategy) 0115 8763387 or by e-mail on Transport.Strategy@nottinghamcity.gov.uk for further information.

8. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

9. Highways Network Management have advised that the applicant should make contact with the team to discuss the delivery arrangements for any portakabins associated with construction/demolition for the site as soon as possible; they can be contacted on 0115 876 5238. Any subsequent costs will be borne by the applicant.

10. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- i) 'Cut and fill' operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) 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.

11. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

12. The development shall not prejudice the Highway Improvement Line along Thane Road as indicated by policy TR2.12 (Thane Road) of the submission version of the Local Plan part 2 (Feb 2018) . Details of any alterations, including boundary treatments and hard/soft landscaping, which falls within the proposed highway improvement line, must be submitted and agreed by the Local Planning Authority .

13. Air Quality - Heating & Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at

<http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

14. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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: 18/01455/POUT (PP-07032274)

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.

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.