

WARDS AFFECTED: Dunkirk And Lenton

Item No:

PLANNING COMMITTEE
21st November 2018

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Playing Field And Pond North East Of Tennis Centre, University Boulevard, Nottingham

1 SUMMARY

Application No: 17/02866/PFUL3 for planning permission

Application by: Nottingham City Council

Proposal: Three storey building providing undercroft parking, café, conference and meeting space at ground floor with office space above (Phase 1).

The application is brought to Committee because it is a major development on a prominent site where there are important design considerations

To meet the Council's Performance Targets this application should be determined by 22nd November 2018, subject to an extension of time agreed with the applicant

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to no material issues arising from the further ecological assessment and the indicative conditions listed in the draft decision notice at the end of this report, and any others arising from the further ecological assessment.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 Nottingham Science Park was established in the 1980's by Nottingham City Council and provides incubator space for small companies, as well as premises for more established companies, some within their own bespoke buildings. In 2006 a masterplan and design guide was developed for the expansion of the site. The aim was to be the first socially responsible Science Park in the East Midlands embodying sustainability at the heart of the development concept. The initial phases of the new development produced two new buildings; No.1 Science Park, and the Highfields Automotive Training Centre.

- 3.2 The next phase of the development is proposed for the remaining 4.5 acres of the site, which is adjacent to the Tennis Centre and lies to the south-west of the existing Science Park. The land is allocated in the Local Plan as a Strategic High Quality Employment Site for B1 development and is itself to be developed in phases, with the current proposal comprising phase 1.

Site and Surroundings

- 3.3 This proposal relates to northern section of the remaining vacant land, which is accessed from the slip road off University Boulevard (George Green Way). The site is broadly rectangular and flat, currently overgrown with vegetation. The rest of the larger vacant site is to be developed in the future with three further buildings, but these are not under consideration at this time and no applications have been considered for these sites to date.
- 3.4 The site is located within Flood Zone 2, with the River Leen approximately 800m to the north east and the Beeston Canal 400m to the south west. Tottle Brook runs to the north of the site.

The Proposal

- 3.5 The proposal is for a large, three storey, contemporary office building containing 2316 sqm of net lettable office space, an additional 95 sqm of lettable conference space/meeting rooms, a café and associated facilities, undercroft parking and a further parking area next to the building. The café is proposed to serve the rest of the Science Park and act as a communal hub space.
- 3.6 The ground floor accommodates the lobby/reception area, lettable conference space/meeting rooms, shower facilities and a café, with a large undercroft parking area providing 36 spaces. A further car park is located to the south east of the building with a further 34 spaces, along with an additional 11 spaces for visitors to the café/hub in layby parking on George Green Way, alongside the north western elevation of the building. The first and second floors provide lettable office accommodation with the upper floor cantilevered forward over the main entrance, creating a striking focal point for the building. The building is to be finished in a metal cladding system with a vertical, standing seam.

4 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Site Notice and Press Advert posted. Consultation expired on 09.02.2018. No responses received.

Environmental Health and Safer Places: Recommend conditions relating to contaminated land, ground gas & groundwater contamination, odour and ventilation, commercial noise and air quality (heating and power generation).

Highways: A total of 70 car parking space are proposed and a total of 46 cycle parking spaces will also be provided, with up to 232 employees using

the building. The submitted Transport Assessment (TA) has been assessed and there are no objections, subject to conditions. It is noted that the (TA) is for the first phase of this development only and not for any future phases, which will need to consider the cumulative impact above the current projected flows. As a result a separate assessment will be required for future phases.

Environment Agency: Requested that the initial Flood Risk Assessment should be updated to set appropriate finished floor levels and identify flood risk from the Tottle Brook. Amendments have been made and the Environment Agency re- consulted (further comments awaited).

Biodiversity Officer: Recommended that because the site is adjacent to a Local Nature Reserve, additional biodiversity gains should be considered through incorporating more ecological features into the scheme. Further information was requested regarding:

- Details of a potential 'biodiverse roof'
- Details of SUDS proposals
- Details of the inclusion of bat and bird boxes around the site
- A landscaping scheme
- An assessment by an ecologist of the nearby slow worm population and current habitat quality

5 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. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraphs 155 – 165 focus on development and flood risk. Paragraphs 170-177 are focused on conserving and enhancing the natural environment.

Nottingham Local Plan (November 2005):

E1.1 – Strategic High Quality Employment Site

NE3 - Conservation of Species

NE10 - Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy

Policy 4: Employment Provision and Economic Development

Policy 10 – Design and Enhancing Local Identity

Policy 14 – Managing Travel Demand

Policy 17 – Biodiversity

6 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
- ii) Layout and design
- iii) Highways and parking
- iv) Flood risk
- v) Biodiversity and sustainability

i) Principle of the development (Policy 4 of the ACS and policies E1.1 of the Local Plan)

- 6.1 The application site, along with the wider area of vacant land to the south east, is allocated as part of the Nottingham Science Park extension, a Strategic High Quality Employment Site, specifically for B1 use by Local Plan Policy E1.1 This allocation is carried through in the emerging Land and Planning Policies (LAPP) document (policy EE2). The proposal also accords with policy 4 (Employment and Economic Development) of the ACS which, amongst its aims, places a particular emphasis on office development as part of providing for a science and knowledge based economy.
- 6.2 The wider site falls within one of the LEP (Local Enterprise Partnership – D2N2) Enterprise Zones. The scheme is part LEP funded and would help to deliver the ambitions of the Nottingham Growth Plan. The project will foster enterprise through encouraging Research & Development (R&D) activity, target knowledge intensive sectors, deliver 21st century infrastructure and support the creation of a more effective hub of commercial activity within the Science Park. The café/communal hub and conference facilities/lettable meeting rooms are particularly key features of the scheme which look beyond this particular development and seek to provide a central hub facility for the entire Science Park.

- 6.3 The proposal is therefore a welcomed, policy compliant scheme that would provide valuable B1 (office)/R&D office space and hub facilities for the Nottingham Science Park, also helping to promote further development of the larger allocated employment site.

ii) Layout and design (Policy 10 of the ACS)

- 6.4 The design concept for the building follows the layout, form and massing of the original Science Park masterplan, with a three storey linear building focused towards the central wetland feature and decked walkway. As with the two existing buildings to the east, the proposal also incorporates undercroft parking hidden behind perforated, metal cladding. The original submission has been altered with regards to the external finish, the current proposal comprising a dark coloured metal cladding system with a vertical standing seam. The result is a very striking building that is of an appropriate aesthetic to this Science Park location. The use of a single, dark cladding material for the majority of the building is intentionally in contrast to the existing multi coloured buildings on the Science Park extension. The solid mass that this creates is then subtly animated with a 'kink' in the length of the building, long horizontal window openings set in deep reveal, and the feature front elevation of the building. This comprises an almost entirely glazed groundfloor frontage, both single and double storey in height, and is where the café/communal hub space and entrance lobby are to be located, set beneath a dramatic oversail of the second floor and facing onto the central wetland of the Science Park extension, with its pedestrian, decked walkway. The lighter coloured, perforated screen to the undercroft car park provides a contrast to the darker mass that it supports and further reinforces the building's horizontal emphasis.
- 6.5 In conclusion this is considered to be a building appropriate to its function and setting that respects the concept of the original masterplan and would present a striking focal point for the communal hub that will serve the entire Science Park.

iii) Highways and parking (Policy 14 of the ACS and policy T3 of the Local Plan)

- 6.6 Access to the site is via George Green Way, which serves the existing Science Park and Tennis Centre, accessed off University Boulevard.
- 6.7 A total of 70 parking spaces are to be provided, including four disabled bays, some of which are undercroft parking and some to the side of the building. An additional 11 spaces are proposed for visitors to the café/hub and there would also be four motorbike spaces and parking for 46 cycles.
- 6.8 Highways have raised no objection to the application, subject to recommended conditions requiring a Construction Management Plan and Travel Plan.
- 6.9 The site is well placed to take full advantage of excellent pedestrian and cycle infrastructure, a wide range of bus services and the NET route along University Boulevard. The proposal therefore complies with Local Plan policy T3 and ACS policy 14.

iv) Flood risk (NE10 of the Local Plan)

6.10 The original Flood Risk Assessment (FRA) was not considered adequate to address the flood risk issues of the site. Amendments to the FRA have been submitted and revised comments from the Environment Agency are awaited, and will be reported at Committee.

6.11 **v) Biodiversity and sustainability** (Policy 17 of the ACS and policies NE3 and NE14 of the Local Plan)

6.12 Whilst raising no objection, the Biodiversity Officer has recommended the inclusion of ecological features in the scheme. During the life of the application the proposal for a biodiverse roof has had to be omitted for reasons of cost and viability. However, surface water is now to be addressed with an extensive SUDs scheme incorporated around the building, which will then discharge into the adjacent wetland. Details of landscaping, bird/bat boxes can be dealt with by condition.

6.13 In terms of sustainable building design, the proposal is to incorporate the following key features:

- a fabric first approach aimed at improving 'U' values and air permeability
- passive solar control to minimise the requirements for mechanical cooling systems
- 'on demand' control of ventilation, heating and lighting
- use of air source heat pumps to deliver heating and cooling
- inclusion of a south facing PV array on the roof.

6.14 It is noted that slow worms have previously been identified on a nearby site, but not within the application site itself. A further assessment by the applicant's ecologist has been requested to assess the slow worm population of the adjacent site and current habitat quality, to identify any mitigation measures required. Approval of this application is subject to this matter being satisfactorily resolved.

6.15 Subject to no material issues arising from the further ecological assessment and the conditions proposed to address the matters referred to above, the proposed scheme therefore satisfies policy 17 of the ACS and policies NE3 and NE14 of the Local Plan.

6.16 **Other Matters**

Environmental Health and Safer Places have recommended that remediation measures need to be implemented for both soil contamination and ground gas. These can be secured by condition, along with a condition for odour control given the proposed café. A noise level condition to control noise emissions for all plant and equipment is also recommended, therefore the proposal is in accordance with Policies NE10 and NE12 of the Local Plan.

- 6.17 The site is not in close proximity to any residential properties, therefore the proposal has an acceptable impact on residential amenity in accordance with ACS Policy 10.

7 FINANCIAL IMPLICATIONS

None.

8 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.

9 EQUALITY AND DIVERSITY IMPLICATION

None.

10 RISK MANAGEMENT ISSUES

None.

11 STRATEGIC PRIORITIES

World Class Nottingham: Would help to deliver the ambitions of the Nottingham Growth Plan and foster enterprise through R&D activity as part of providing for a science and knowledge based economy

Work in Nottingham: Opportunity to secure inward investment and job opportunities from tenants within the building, along with training and employment for local citizens through the construction of the development

12 CRIME AND DISORDER ACT IMPLICATIONS

Increased surveillance of adjacent routes.

13 VALUE FOR MONEY

None.

14 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 17/02866/PFULS

15 Published documents referred to in compiling this report

Relevant documents can be found by using the following link to Public Access;

<http://publicaccess.nottinghamcity.gov.uk/online->

applications/simpleSearchResults.do?action=firstPage

Nottingham Local Plan (November 2005)
Aligned Core Strategy

Contact Officer:

Kathryn White, Case Officer, Planning Services.

Email: Kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529

NOMAD printed map



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Key

City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 17/02866/PFUL3 (PP-06624716)

Your Ref:

Contact: Ms Kathryn White

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
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CPMG Architects Ltd
FAO: Mr James Sweet
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

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

Application No: 17/02866/PFUL3 (PP-06624716)
Application by: Nottingham City Council
Location: Playing Field And Pond North East Of Tennis Centre, University Boulevard,
Nottingham
Proposal: Three storey office building (B1) with undercroft parking, cafe, conference and
meeting space at ground floor

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
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. Prior to the commencement of the development 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 Remediation Plan, based on the findings and recommendations in 'Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation' by Geodyne Ltd dated 30th Jan 2017 (Project No: 36231), 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, and drawings and details of the gas protection measures as they will be incorporated into the building).
 - 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 site remediation shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

3. 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 avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Local Plan Policy T3 and ACS Policy 14.

4. 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.

Pre-occupation conditions

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

5. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan policy NE9 and Aligned Core Strategy Policy 10.

6. Prior to first occupation of the development, a detailed landscaping and planting scheme for the development indicating the type, height, species and location of all the replacement trees. Landscaping should include nectar, berry and nut producing species for bees and other pollinators. The landscaping scheme shall then be implemented in accordingly.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

7. Prior to the first use of the cafe, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted in writing and approved by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

The approved scheme shall be implemented and fully operational prior to the first use of the cafe.

Reason: To protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9 and Policy 10 of the ACS.

8. 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.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

9. The development shall not be brought into use until secure, covered cycle storage is provided in an accessible location, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with Local Plan Policy T3 and ACS Policy 14.

10. No part of the development hereby permitted shall be brought into use 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 plans to be first submitted and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.

Reason: To ensure sufficient off-street parking provision is made in accordance with Local Plan Policy T3 and ACS Policy 14.

Regulatory/ongoing conditions

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

11. A Travel Plan with up-to-date staff survey data must be submitted for approval by the Local Planning Authority no later than 3 months after 75% occupation. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator.

Reason: To promote more sustainable modes of travel in the interests of Highway Safety and in accordance with Local Plan policy T3 and ACS Policy 14

12. Prior to the prior to installation of the mechanical service plant and equipment, 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).

Reason: To protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9 and Policy 10 of the ACS.

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 21 December 2017.

Reason: To determine the scope of this permission.

Informatives

0. 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.

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.

0. 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

0. Construction traffic exiting the site will need to cross the NET tramline. The applicant will need to consider height clearances for construction traffic exiting the site. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method. To get



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Not for issue

Continued...

authorisation the applicant must request a NET Work Request Form which can be obtained from NET by Telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

0. 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

0. Informative

Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf>.

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

0. 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.

0. 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:

- 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

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: 17/02866/PFUL3 (PP-06624716)

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.